

COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 9, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Ferris, Lambke, Rogers; present. *Council Members Gale, Kamen; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by David Kimble, Baha'i.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of February 2, 1999, were approved 5 to 0. (Gale, Kamen; absent)

AWARDS AND PRESENTATIONS

SERVICE CITATION Distinguished Service Citations were presented to those present.

PROCLAMATIONS Mayor Knight presented the Proclamations that were previously approved.

PUBLIC AGENDA

Comments by Belinda Blase.

Belinda Blase Belinda Blase, resident near the Latino Boom Dance Hall at 1514 West 21st North, said excessive noise has been a problem since November of 1997. The owner, Tony Delgado, has been asked to turn down the volume, and has been cited and convicted of violating the City noise ordinance (appeal pending). The noise has continued and many complaints have been issued, all to no avail.

Also, Mr. Delgado has been selling alcoholic beverages at the club by telling police that he has a caterer who is his beer vendor.

In addition to the noise, Mrs. Blase said her family has had to endure noise from drunken patrons leaving the club at 2:00 a.m., spinning their tires, gunning vehicle engines, honking horns, littering the street and yard with beer bottles, and regular and frequent public urination along the street.

Mayor Knight Mayor Knight referred the matter to the Police Chief and City Attorney for follow-up.

Council Member Cole Council Member Cole said she continues to receive phone calls that indicate the Wichita Police Department is frustrated in trying to deal with the noise ordinance. The City needs to look at ways to create an ordinance giving Police officers a better way to respond.

Council Member Ferris Council Member Ferris said the Health Department may need to be involved.

Council Member Ferris requested a report, as soon as possible, on what is going on.

Comments by Dr. Walt Chappell.

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Walt Chappell Dr. Walt Chappell said the City has over 90 officers and employees assigned to give out traffic tickets and motorcycle officers who hide behind obstructions. Mr. Chappell said it would seem more effective to assign more officers to solve serious crimes and to mail bills out for fines to be paid. Mr. Chappell asked that priorities be set for law enforcement and to find way to let citizens pay fines without having to be arrested.

Council Member Ferris Council Member Ferris said the City does not have a problem with road rage because traffic violators are prosecuted.

Council Member Ferris said he would like to focus on not being able to get information from Municipal Court.

Mayor Knight Mayor Knight asked that Chief Watson do a report on why he has chosen the current strategies for the Police Department.

Council Member Rogers Council Member Rogers said most are victims of their own poor judgment and should not blame others for their own problems.

No further action was taken.

NEW BUSINESS

IRB-STEWART PROPERTIES REQUEST FOR LETTER OF INTENT FOR TAX EXEMPT INDUSTRIAL REVENUE BONDS - STEWART PROPERTIES INC. (District III)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-097.

The City has received a request from Stewart Properties, Inc. of St. Louis, Missouri for a Letter of Intent to issue not-to-exceed \$5.5 million in tax-exempt Industrial Revenue Bonds to finance the acquisition and rehabilitation of the Gouverneur Manor Apartments, located at 7205 East Lincoln in southeast Wichita. Stewart Properties also intends to apply to the Kansas Department of Commerce and Housing for an allocation of housing tax credits to be used in conjunction with this project.

Gouverneur Manor Apartments is a multi-family complex with 180 units, consisting of 4 studio, 80 one-bedroom, and 96 two-bedroom apartments. The apartment complex was constructed in three phases from 1967 to 1972. Amenities for the complex include two swimming pools and courtyards, laundry facilities in every building, and storage facilities. Gouverneur Manor currently has 85 percent occupancy, comprised predominantly of low-to-moderate income residents.

Gouverneur Manor is currently in disrepair. HVAC systems and windows are original, and require immediate replacement. Additionally, the ovens are also very old, inefficient, and unsafe, and most apartments do not have dishwashers. Safety items requiring immediate repair are asbestos tile in some units and badly cracked concrete walks. Also, existing windows and sliding glass doors are very energy- inefficient.

Stewart Properties, Inc. was founded in 1981 and has developed office, warehouse, retail and multi-family projects in St. Louis and throughout the Midwest. Stewart Properties, Inc. proposes to lease the property to its subsidiary firm Courtyard Place L.P., also of St. Louis, Missouri. Stewart Properties, Inc. is the General Partner and 100 percent owner of Courtyard Place L.P.

Stewart Properties, Inc. proposes to expend \$1,384,000 on rehabilitation of the Gouverneur Manor Apartments including energy efficient windows and glass doors, addition of quality appliances, repair of sidewalks, abatement of asbestos tile, and general building rehabilitation.

Stewart Properties, Inc. will maintain and operate the facility as an affordable housing community consistent with

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Internal Revenue Service guidelines. Boston Financial Property Management, the 19th largest property manager in the United States, will be engaged as property manager. An analysis of the use of project funds is:

USES OF FUNDS

* Land Acquisition	\$ 284,000
* Building Costs	\$3,336,000
* Rehabilitation Costs	\$1,384,000
* Development Costs	\$ 500,000
* Construction Period Interest, Taxes, & Insurance	\$ 279,100
* Financing Costs	\$ 301,000
* Due Diligence & Marketing Costs	\$ 33,200
* Initial Marketing Reserve	\$ 126,400
Total Cost of Project:	\$6,200,000

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The bonds will be publicly or privately placed by Stifel, Nicolaus & Company. The firm of Hinkle, Eberhart and Elkouri, L.L.C. will serve as bond counsel in the transaction.

Stewart Properties, Inc. agrees to comply with all of the City's standard conditions for the issuance of Industrial Revenue Bonds.

Stewart Properties, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Stewart Properties, Inc. is not requesting a tax exemption in connection with issuance of IRBs.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Jim Stewart Jim Stewart, Stewart Properties, said he was leaning toward Boston Financial to manage the properties and that he would invite neighborhood groups to meet with the management on a quarterly or monthly basis to solve any problems that may arise in the neighborhood.

Council Member Ferris Council Member Ferris stated that he hoped the City would not go in the direction of requiring neighbor's permission every time an apartment complex requests funding.

Council Member Rogers Council Member Rogers, regarding a letter of concern that a "low-income" status type of tenant would bring further deterioration to the area, said low-income is not an indication of a type of person, just an indication of income. It is simply not true that low-income denotes deterioration.

Motion -- Kamen moved that the issuance and a one-year Letter of Intent to Stewart Properties, Inc. for tax-exempt Industrial Revenue Bonds in an amount not to exceed \$5,500,000, subject to Standard Letter of Intent Conditions be approved; and the
-- carried Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

NEIGHBORHOOD REVITAL. HUD SECTION 108 LOAN GUARANTEE APPLICATION - BUSINESS ASSISTANCE PROGRAM.

Tom Smith Grants in Aid Coordinator reviewed the Item.

Agenda Report No. 99-098.

On April 7, 1998, the City Council approved the Neighborhood Revitalization Plan designed to focus federal, state and local resources in selected areas to have a significant visual impact. The Economic Development Initiatives/Section 108 loan program was a proposed feature of the Neighborhood Revitalization Plan approved by the City Council. On July 21, 1998, the City Council approved the submission of a HUD Economic Development Initiatives (EDI) application in the amount of \$1 million dollars under a national competition. On November 24, 1998, HUD awarded the City \$1 million dollars in EDI funds subject to the submission of a \$3 million dollar Section 108 Loan Guarantee application no later than February 18, 1999.

The City has prepared a Section 108 Loan Guarantee application whose purpose is to remove barriers to capital formation by small and minority businesses in the Neighborhood Revitalization Areas by providing HUD Section 108 Loans to existing and start up small and minority businesses that would not otherwise receive commercial loans while encouraging commercial lenders to make more loans in the Neighborhood Revitalization Areas. The City is leveraging EDI funds three to one with HUD Section 108 Loan Guarantee funds and CDBG funds to provide total City funding of \$4.067 million. Private financial institutions will be required to match City Section 108 funding on approximately a two to one basis.

Using marketing material prepared jointly by the City and lenders, four designated economic development organizations will provide intake, education, and assist with business plan development and loan servicing. Applications will be screened by a joint loan committee comprised of the lenders and the City. Loans approved by the joint loan committee will be sent to the participating lender for final approval. It anticipated most loans will be funded with a combination of Section 108 Loan proceeds (30%) and a commercial loan (60%), with a borrower down payment (10%) required for the balance. Participating lenders will be responsible for performing the loan underwriting on a rotational basis. Loans will be available for retail, service and manufacturing for both start up

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and existing small businesses.

No additional City staff will be required to operate the program. The program will be operated by a consortium of public and private agencies in a public/private partnership with the City. The consortium includes: NationsBank, INTRUST Bank, Commerce Bank, South Central Kansas Economic Development District, Kansas Minority Business Development Council, Wichita State University Small Business Development

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Center and the Wichita Technology Center. The Small Business Administration will provide loan guarantees and the "Blue Card" welfare-to-work program and Wichita State University Center for Business and Economic Research and Hugo Wall Center for Urban Studies will perform an outcome evaluation of the program.

The consensus recommendations are requesting HUD Section 108 Loan Guarantee funds in the amount of \$3 million dollars to serve as a portion of the loan pool. Private lenders have committed \$6 million dollars to the loan pool. EDI funds will serve as the loan loss reserve to protect the City's Section 108 loans and pay a portion of the interest on the Section 108 loan. EDI funds also buy down the interest rate on the City Section 108 loan funds. CDBG funds in the amount of \$67,500 are recommended to provide technical assistance and education to borrowers. Use of CDBG funds for technical assistance further reduces the interest for borrowers. In the event there is a default, to the extent the loan cannot be repaid from loan collateral and EDI loan loss reserves, the HUD Section 108 loan repayments will be automatically recovered by HUD from the City's next CDBG allocation. The City must pledge its future CDBG allocations as collateral for the Section 108 loans. While there is no requirement for City matching funds, the City must leverage EDI funds with Section 108 Loan proceeds on at least a three to one leverage ratio.

A thirty day comment period is required to substantially amend the HUD Consolidated Plan. The thirty day public comment period ended February 9, 1999 and no comments were received. The City Council must hold a public hearing prior to final approval of the Section 108 Loan Guarantee application. The City has secured letters of financial commitment from the financial institutions and letters of agreement from the economic development agencies. If the application is approved, formal contracts would be developed with each partner.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Steve Hastings

Steve Hastings, NationsBank, said lenders are behind the program and urged approval.

Motion --

Rogers moved that the public hearing be closed; the recommendations, Section 108 Loan Guarantee application for submission to HUD as an amendment to the Consolidated Plan, and allocation of \$67,500 in CDBG funds be approved, subject to any change that may result as an outcome of a meeting with bank officials arranged by the City Manager; and the Mayor be authorized to sign the necessary documents.

-- carried

Motion carried 7 to 0.

TRANSFER STATION

TRANSFER STATION REGULATIONS/PERMITTING.

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-099.

The City Council recently (January 26, 1999) reviewed the issue of solid waste transfer facilities and whether or not additional requirements should be considered for such usage if placed within the City.

In addition to County regulations governing transfer stations, the City Council discussed a number of key issues it felt important, regardless if such facilities are placed in the City or within the County. Following this meeting, Staff was directed to return to the City Council with an outline of those important issues for further policy discussion.

Listed are the various issues/concerns discussed by the City Council. These items should be considered in the context of transfer stations either in or outside of the City, including the proposed transfer station being proposed near West Street and 37th Street North. These issues/concerns involve major policy discussions and will have significant impact on the community and its residents that depend upon refuse disposal services.

Issue #1 Free Days: The City currently provides two weekends per year in which individuals can bring waste into the landfill for no charge. One of the weekends is also available to local units of government, county wide, for community and neighborhood clean up days. If this program is not continued, there is a potential cost impact on both the City and County because of illegal dumping on public lands, streets and alley rights-of-way that will occur. [Through an ordinance requirement, any transfer station locating within the City limits would have to include this offering for those who live within the City.]

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Question: Does the County intend to require transfer stations to provide the
what does the County anticipate the impact of this change to be.

equivalent service? If not,

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Issue #2 Neighborhood/Bulky Waste Clean Up: The City annually budgets for neighborhood cleanups and bulky waste collections/disposal from its landfill tipping fees for funding neighborhood/bulky waste clean up efforts. In 1999, \$150,000 has been allocated for these efforts. If the City was to elect to continue this program and funding was not available from disposal fees, the amount would have to come from taxes or reduced service levels.

Question: Does the County intend to require the transfer station to collect a tipping fee surcharge to fund such a program after Brooks Landfill closes? If not, what does the County anticipate the impact of this change will be to local communities?

Issue #3 Host Fee: While the BFI facility that is proposed at this time does not appear to have a significant impact on today's required infrastructure it will in the future. If the site or the area around it is annexed into the City in the future, new costs (attributable to this facility) will occur to the City.

If transfer stations located within (or just beyond the City limits), there could be a significant potential cost to the City. Example: For a site near 29th Street North and Ohio Street the impact to the City over the next 25-years was estimated at \$20,271,000.

Question: Does the County intend to create a means through the Conditional Use Permit (CUP) conditions to recover these costs from the owner of the transfer station through a host fee or other mechanism?

Issue #4 Household/Small Quantity Hazardous Materials: The City funds the Health Department household/small quantity hazardous materials program with landfill tipping fee receipts. The costs for this program for 1998 was \$159,000; for 1999, \$120,000 has been allocated for this purpose. If this program is not continued there is a potential impact on the City in three direct ways: (1) The City's waste water treatment plants could be impacted because of inappropriate disposal of these materials into the sanitary sewer; (2) The N.P.D.E.S. (National Pollution Discharge Elimination System) program could be effected because of inappropriate disposal into the storm water sewer system; and (3) The City (or County) could be liable for site remediation if these materials were applied to public lands, streets, or alley rights-of-way.

Question: Does the County intend to continue this program after October of 2001? If not, what does the County anticipate the impact of this change will be?

Issue #5 Radioactive Waste: The City has operated a screening program for radioactive waste at the Brooks Landfill since late 1997. If this program is not continued the City (or County) could potentially be held responsible for a portion of the cost of clean up if radioactive waste is found at the landfill that our community's waste goes to. [Through an ordinance, the City Council could require any transfer station within the City to include a screening program for radioactive waste.]

Question: Does the County intend to require this and other transfer stations to screen for radioactive waste and to implement a program to determine the appropriate management of any such waste detected? If not, what does the County anticipate the impact of this change will be?

Issue #6 Inside Storage of Yard Waste: The City believes that it is appropriate to require indoor storage of yard waste for sites in an urban setting. This issue could cause an indirect cost to the City in the form of the enforcement action required to address neighbor complaints that a transfer station in an urbanized area could produce.

Question: Is the County considering requiring indoor storage of yard waste at this proposed transfer station since future growth will result in the site becoming more urban over time?

Issue # 7 Unsecured Loads: Presently a 50% surcharge is provided for unsecured loads brought to the landfill. These loads often produce litter across the City, much of which ends up on public right-of-ways. The surcharge helps offset the cost of collecting this litter. The City will have to pay the cost of collecting litter that is lost from unsecured loads. While it is not possible to accurately quantify this cost it is a significant cost and would have to be borne by the taxpayers. [By ordinance, the City may require any transfer station locating within the City to collect a 50% fee (or some other percentage dependent upon cost recovery) to be paid to the City to support litter pick-up and to act as a financial incentive to secure/cover loads.]

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Question: Does the County intend to continue to require the collection of this surcharge and to designate these monies for litter collection? If not, what does the County anticipate the impact of this change will be?

Issue #8 Disposal of City Waste: Presently, the City is not charged for disposal of City-hauled waste (i.e. storm damage cleanup, flooding debris, etc.) In 1998, the City disposed of 9,723 tons of waste at the landfill. At the BFI estimated tipping fee of \$38 per ton, this disposal would have cost the City taxpayers \$369,000.

Question: Does the County intend to continue this practice through a requirement on the privately owned transfer stations?

Issue # 9 Tires: The City currently has a ban on any waste tires or tire pieces. This ban, which is more restrictive than the State requirements, encourages the recycling of waste tires. There would be no economic impact on the City if this ban is not continued as the City already sends all of its tires to be recycled as fuel in a cement kiln. [The City could require any transfer station within the City to ban any waste tires or tire pieces.]

Question: Does the County intend to continue this ban? If not, what does the County anticipate the impact of this change will be?

Issue #10 Emergency Plan: With the loss of public control of the waste disposal system for the community, concern for contingency planning increases greatly. The economic impact of this issue would depend on the particular problem and its duration. [The City Council could, by ordinance, require any transfer station within the City to have an approved contingency plan to ensure there are plans to handle Disposal in the event of labor disputes, natural disasters, etc..]

Question: Does the County intend to place requirements to approve the contingency plans of the owner/operator of transfer stations? If not, how does the County anticipate ensuring that adequate disposal alternatives will be available if other remote landfills stop accepting waste during, labor stoppages, contamination quarantines, litigation, natural and manmade disasters?

Issue #10 Infrastructure Impacts: Infrastructure improvements may be needed to accommodate this type of facility, regardless of location. In addition, such facilities significantly increase costs of maintenance through shortened life expectancy of streets. The particular impacts will have to be evaluated on a site-specific basis.

For each of these (and other) issues the City Council could: (1) request City staff to meet with Sedgwick County Solid Waste Committee to review and recommend action; (2) incorporate requirements into the City code that would apply to any transfer station located within the Wichita City limits; (3) direct staff to ensure that the issue/question is considered when staff make recommendations on conditions to include in a CU for any facility within the Wichita City limits; and (4) the City Council meet with the County Commission to discuss these matters of concern pertaining to facilities located within the County.

Without knowledge as to whether or not the County will mandate a continuation of the current programs within its permitting process for transfer stations, it is difficult to ascertain the expense to the Wichita taxpayers if any of these programs are to be continued by the City Council. Existing neighborhood cleanup programs, bulky waste collections, disposal of City waste from natural disasters, cleaning of litter along roads (to and from) disposal sites, Spring and Fall Cleanups, etc., all have a significant cost impact of well over \$ 700,000.

If the Council elects to modify the City code to incorporate requirements that would apply to a facility at any site inside the city limits, Staff will develop appropriate code revisions pertaining to those requirements felt necessary by the City Council.

Steve Lackey

Director of Public Works summarized by saying that the programs the City of Wichita currently funds with the \$26 Tipping Fee come to approximately \$1 million, about \$1 per ton.

Some of the unknown costs associated with a transfer station operation would be a ban on asbestos which would necessitate trucking of asbestos to special fills in other cities.

Gary Rebenstorf

Director of Law, responding to a question regarding annexation of transfer station properties into the City of Wichita and authority to regulate transfer stations, said two methods of regulation are available to the City:

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1) Conditional Use Permit process

Each transfer station could be examined and the conditions could be imposed for each individual transfer station.

2) Police powers.

The City has the authority to pass regulations that concern the health, welfare, and safety of the City.

For the most part, property that is annexed into the City must comply with the regulations of the City. Under the police power, they would have to be in compliance with City regulations once physically located within the City limits.

Council Member Ferris

Council Member Ferris stated that the incredible expertise in this area, of the Director of Public Works and the Natural Resources Director, is borne out in the issues and concerns before the Council.

BFI is operating as one of the stalwart citizens of the community; however, there is a big difference between BFI and the Wichita landfill. BFI has to operate to a bottom line - that is BFI's goal and job. The City of Wichita's goal in operating the landfill was to keep prices reasonable and to operate at the highest level of service to protect the community. The two different goals do not mean that BFI's goal is bad, rather it is different. The same will be true if Waste Management opens a landfill. Waste management does a very good job in the community. The swamp haulers also do a great job. There is no concern that companies will be operating transfer stations that might be operated by shady individuals or be operated poorly. The two competing goals are profit and service. The City could offer service without worrying about the profit motive. BFI has to have a profit motive or be out of business.

The Director of Public Works has talked about the service levels the City has operated under for the past twenty or thirty years. The City has operated in a system that was service oriented and not profit oriented. The City has tried to figure out what could be done to protect the citizens and not what would make a transfer station or a landfill operate the most effectively and efficiently. Clearly, it is more efficient not to have household hazardous waste and situations to deal with. It is clearly more efficient not to have to worry about bulky waste pick-up or free dump days.

The City needs to enact the regulations. If someone is going to be within the corporate city limits of the City of Wichita and is going to operate a transfer station within the boundaries of the City of Wichita, the City should enact the things that have been done through the landfill because they were clearly done through long experience and well thought out planning and programs. The City would want to have the regulations in place for anyone that would operate in the City.

Council Member Ferris said he has been saying, for quite some time now, that the cost estimates that were being put forward to operate a transfer station were low, and even if only the minimal services were to be provided they were about \$3 more than projected by the County to operate at no services.

Now, what is being said is that, if a transfer station is going to be operated in the City of Wichita, it is going to be more expensive. The City has a community to protect and if it cannot be protected through operating a well-run, well-managed landfill, then it will be protected by having a well-operated and well-managed transfer station within the community.

Council Member Ferris encouraged the Council to adopt these, not as conditions of a conditional use permit but, rather, as regulations for the health, safety, and welfare of the community because the City does not want trash dumped on its streets and bulky waste pick-up and free dump days are needed. The City wants the transfer station to have a separate means for handling and disposal of small quantity hazardous materials - not just items that come in on a truck that must be monitored, but a drop-off site for hazardous waste as well. Radioactive waste should also be prohibited.

Council Member Rogers momentarily absent.

By the City adopting the regulations, the City may be protected from a suit resulting from a county transfer station dumping of radioactive materials in a distant landfill.

The inside storage of yard waste should be required because an urban setting is different than a rural setting.

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There should be a surcharge for unsecured loads; there should be tire regulations; and there should be an emergency plan.

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The City should be allowed to dispose of waste through the transfer station in unusual circumstances. The City does not feel that it should just have a free right to dump except in the event of a storm or other unusual circumstances.

Staff should be requested to put together a reasonable host fee to handle the maintenance and infrastructure needs of an area surrounding a transfer station.

If a transfer station is going to be operated at any time, even in the distant future, the City has the right to require that it be operated in the manner that is the most effective and efficient, not from a profit standpoint but from a handling standpoint.

Mayor Knight

Mayor Knight said he hoped Council Member Ferris and the Natural Resources Director might meet with the Solid Waste Committee to communicate that this is the expectation of the City of Wichita.

If for some reason assurance cannot be received, the City Manager should schedule an en banc meeting at the earliest date possible between the City Council and the Sedgwick County Commission.

Mayor Knight stated that it is his intent to do everything possible to make this work and to help the County. It is very clear that reality is setting in and some of the issues the City was trying to articulate some months ago are now becoming clearer. Once service is lost, or must additionally be paid for, because of transfer stations, it will be recognized that the cost estimates are dramatically low.

Now, it must be figured out how to make the transfer station work. What is not wanted is a clash of citizen expectations for essential features of the City's plan which has included the entire county. The City has tried, in every way, to be a good neighbor on this issue for many years and, now, the City needs to know the County is making the same provisions.

Council Member Rogers

Council Member Rogers stated that this is entirely consistent with city policy across the United States. Unfortunately, many areas, in the neophyte stage, did not recognize many of these kinds of concerns and are now having great difficulty in getting them into their policies and procedures.

The ideal way to implement these procedures would be to have them included in the County waste management regulations. If that is not possible, the City should implement police power procedures to ensure the citizens of Wichita are looked after throughout the whole process.

Council Member Cole

Council Member Cole said the City should be able to dispose of debris from major storms or from other extraordinary circumstances such as the 2,000 plus cans of paint recently found in a residential area.

Council Member Cole spoke in full support that provision be made for these kinds of things through whatever legal means necessary. The landfill is just outside the City limits and choice would be that provision could be made through direction and agreement with the County Commission.

An en banc meeting with the Sedgwick County Commission should be scheduled because there are two new members on the Commission, one of whom ran on an environmental concerns program.

Council Member Kamen

Council Member Kamen said there should be special containment buildings for those items that are not to be handled by the transfer station (i.e., asbestos, radio active material, yard waste, hazardous waste, white goods, and tires).

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Ferris moved that Staff direct regulations for transfer stations located within the city limits of Wichita that would include the items listed in the Agenda Report; Staff do an analysis of what the host fee should be to take care of any infrastructure improvements or maintenance of infrastructure around transfer stations; when a transfer station wants to locate within the city limits, it must go through a conditional use permit procedure to be approved by the City Council rather than the Planning Commission; the Director of Public Works and the Natural Resources Director make a presentation of the City's concerns to the Solid Waste Committee and ask the Committee to make recommendations on these issues to the County; concerns regarding adequate recycling and education funding be

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included;

a report be provided on how the County intends to fund the recycling and education programs and what those programs are going to be; the City regulations be returned to the City Council within thirty days; and other City Council Member remarks be

taken under advisement. Motion carried 7 to 0.

-- carried

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LEASE AGREEMENT

ARTS AND CRAFTS CENTER BUILDING LEASE AGREEMENT. (District VI)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-100.

In June 1998, the art and crafts programs moved from the Evergreen Arts and Crafts Center, 2601 North Arkansas, to the new CityArts Facility in the downtown area. On June 10, 1998, a Request for Proposals (RFP) were solicited for the use, administration and operation of the vacated Arts and Crafts Center.

The building is 14,000 square feet and consists of 18 rooms; which includes eight classrooms; three storage rooms; and office, ADA (American Disability Act) accessible restrooms; lobby; and a large multi-purpose area. The adjoining parking lot has 53 parking stalls. The RFP sought interested parties for the use, administration and operation of the facility to serve the Hispanic/Asian population in the surrounding neighborhood. One of the primary considerations was to ensure the benefit to the entire neighborhood/community, as opposed to the restricted use by one agency.

The City received one response to the RFP. The SER Corporation proposed to lease the City-owned building at 2601 North Arkansas for its main offices for the organization, in collaboration with other agencies from the Hispanic Community Center Initiative. The SER Corporation proposed to partner with the community agencies to provide the following services: 1) SER Corporation, job training and preparation; 2) Wichita A.C.T.'S on Truancy Project, truancy counseling to youth and families; 3) Child Care Association; Head Start classroom for bilingual children; 4) Hispanic Tutoring Program, tutoring assistance; 5) Quivira Council-- Boy Scouts of America, for outreach, recruitment and meeting space; and 6) Hispanic Family and Pregnancy Crisis Center, assistance for families and teens.

The proposed lease calls for a rent rate of \$10.00 per year, plus \$200.00 per month for extraordinary maintenance, capital repairs and replacement of large building equipment. The SER Corporation, as the lead agency and the Lessee, will be responsible to pay any ad valorem taxes or special assessments that might be levied against the premises during the term of the occupancy. The SER Corporation will also be responsible for the maintenance, utilities and repair of the property.

The lease agreement requires the SER Corporation to cooperate with neighborhood groups to ensure the Center is properly utilized and provides needed service and benefit to the Hispanic and Asian communities. The Center will be available for meetings for neighborhood groups and neighborhood activities. The SER Corporation will also explore services requested by the neighborhood. The lease term is for five year with option to renew for an additional period with the City's approval.

The City will receive \$2,410 a year for the lease of the facility which will be retained in a maintenance/repair fund. In addition, the tenant is responsible for property taxes levied on the building and all user maintenance and operational expenses. Since the City will continue to own this property, the City will continue to assume responsibility for major repairs/replacements.

The Arts & Crafts Center is scheduled for major repairs and equipment replacements. It is proposed that such work be completed prior to the occupancy, if at all possible. It may be that such work could be coordinated with certain building modifications planned by the Lessee.

Funding to make the proposed repairs to the building can be allocated from the City's CDBG budget for facilities repairs/maintenance. It is estimated that the cost of these repairs will amount to approximately \$75,000.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Rogers

Council Member Rogers said the intent is to always do positive things for these projects. The attempt is to always build into the future that these agencies become self-sustaining and not reliant on community funds.

One of the ways to address the need for committees to understand the economic structure of the City would be to ensure that a representative of the City Manager's Staff, knowledgeable of financial considerations that are to take place, is on the committees. It is necessary to know how to tie considerations about issues that need to be addressed through the various projects to the economic structure of the City. There is an inordinant amount of time spent discussing what cannot be done.

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Council Member Kamen momentarily absent.

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- Chris Cherches City Manager, responding to a question regarding the monthly rental fee, said it certainly would not take into account any extraordinary kinds of events that may occur. The City was trying to be fair in setting the amount because the agencies could not afford very much.
- Council Member Kamen Council Member Kamen said the City might be better off deeding the building to the SER Corporation with the provision that the building be used for specific purposes.
- Council Member Kamen momentarily absent.
- Council Member Cole Council Member Cole said this is a brick building and the \$75,000 will bring the building up to good condition. There are roofing, electrical, heating, and cooling needs that should be taken care of.
- Council Member Cole said she would include that there be a City representative on the Building Usage Advisory Committee, and that there be a neighborhood representative also on the Committee.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard.
- Richard Lopez Richard Lopez, SER Corporation, questioned the use of mediation (page 5 of the Lease) and suggested it be changed to having City Staff on the Board.
- Mr. Lopez said they were also open to having a police substation or a police representative in the building.
- Leo Casados Leo Casados spoke in support of the Center. Mr. Casados said one of his responsibilities is that of a district representative with the Quivera Council of Boy Scouts of America. The Quivera Council is interested in doing a Scoutreach at the Center.
- Wendell Turner Wendell Turner, President of the North Chisholm Creek Neighborhood Association, said the Association had other plans for the building that were felt to be more needful for the neighborhood than the approved use, but he would support this use. Mr. Turner said he would like to have a seat on the Committee.
- Kip Sanchez Kip Sanchez, member of the Hispanic/Native American Coalition and employee of the SER Corporation, said he is excited that the community center is evolving into something of which to be proud.
- Hymie Locas Hymie Locas, President of the Hispanic/Native American Coalition and Executive Director of the Wichita Act on Truancy Program, said most of the truancy clients are coming from the area in which the center will be located. Pleasant Valley and Marshall Middle School give the Truancy Program approximately 200 students to work with. The proposal will bring about services that will mean a giant step toward bringing resolution to many issues.
- Council Member Lambke Council Member Lambke said this is a wonderful idea. It is hoped the Center will devote some time and energy to community activities and helping the community conform to housing codes and community standards. This is a growing concern throughout the Wichita community.
- Mayor Knight Mayor Knight said this vote, from this Council and City, says these are valued, appreciated, and very special neighbors who have brought, and continue to bring, a real richness to the community.
- Council Member Cole Council Member Cole stated that it is a real plus that the group has expanded to include Native Americans. That is the beginning of acknowledging the very tapestry of those in the neighborhood.
- Motion -- Cole moved that the Lease Agreement, with the addition of one City representative and one neighborhood representative, be approved and the Mayor be authorized to sign; and the CDBG allocations for specified repairs in the amount of approximately
- carried \$75,000 be approved. Motion carried 7 to 0.
- Council Member Rogers momentarily absent.
Council Member Kamen momentarily absent.

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CULTURAL ARTS PLAN.

IMPLEMENTATION OF THE CULTURAL ARTS PLAN.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-101.

In 1994, the Wichita Community Cultural Plan was created as part of the community's cultural planning process. The planning process, and the Plan document, identified citizen needs with regard to cultural activities; it identified the relationship between arts and cultural activities and the economic, physical, and social development needs of the community.

It also created an action plan for local arts and cultural development.

A key factor affecting arts and cultural development is the absence of an institutional structure which supports the development and implementation of broad-based public policy relating to the arts and culture. There is no institutional structure with the responsibility for on-going cultural planning, policy development, coordination and collaboration, fund raising and the development and sustainment of cultural programs and services.

The Arts and Humanities Council, as it currently exists, is a not-for-profit organization which assists in the development of programs and services to meet the artistic and cultural needs of the community. To be more effective in cultural arts programming and promotion, cultural and heritage tourism, fund raising, and implementation of the Plan, this entity needs to be restructured and strengthened (as outlined in the Cultural Arts Plan) with the necessary supporting advisory committees established.

As proposed, the Arts and Humanities Council (A/H Council) will become the focal point for coordinating the visibility and the promotion (community marketing) of cultural arts in the City of Wichita. The proposed agreement with the Arts and Humanities Council defines specific responsibilities of the A/H Council and the City of Wichita. The agreement provides for the A/H Council to maintain its not-for-profit (501(c)(3)) status to carry out fund raising efforts for the institutions represented by the Council.

The structure, as proposed, also creates a Board of Directors (not to exceed 25 voting members) who will operate through a committee structure, but act as-a-whole on major policy issues. Specific activities to be coordinated by the Board include: grant writing; fund raising; distribution of a newsletter; technical assistance to the arts community; host special art events; develop and maintain a data base; promotion of arts and cultural tourism, particularly as it relates to partnerships to promote local historical and cultural attractions; recruitment of membership to the Council; and other activities as necessary.

The governing board of the Arts and Humanities Council will be an eleven (11) member Arts and Humanities Executive Board. The responsibilities of this board will be to develop the budget and financial work plan for the A/H Council; develop policies and procedures for operation; provide oversight for fund raising; recommend committee assignments to the Board of Directors; and be involved in marketing, tourism, planning, special events, fund raising, membership development and cultural planning.

The proposed agreement also formalizes an Art Advisory Committee. This Committee, comprised of Wichita Museum Directors, directors of art institutions and cultural programs, designee from Convention & Tourism, along with representatives of university and college art programs, would provide a more coordinated and collaborative approach to community and cultural events and implementation of the strategies outlined in the cultural plan. Some of the expectations and specific responsibilities of the Art Advisory Committee would include: development of a community calendar of events; joint marketing of events; partnering to market cultural and heritage tourism; coordination of exhibits; participation in programs and events relating to tourism and conventions; development of neighborhood-based cultural outreach; development of strategies to increase revenues to support cultural programs; and preparation of a strategic plan to enhance tourism and museums/attractions in Wichita.

The implementation agreement for the Cultural Arts Plan also supports creating a new nine-member Art and Design Board. This Board will make recommendations on the incorporation of art and aesthetic design into public projects and develop and define design criteria for public improvement projects. It will also make recommendations to the Humanities Council and to the City Council on the selection and promotion of public art in the City. Finally, it will encourage private contributions and community support for a public art program.

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This new board would merge the work of the current Design Review Team (sometimes referred to as CART) and the Public Art and Design Board. This new board would provide a more coordinated and system-wide approach for incorporating and supporting public art and aesthetic design. It would also enable this body to have a link with the large arts community.

Staff support for the Arts and Humanities Council, its Board of Directors, and Executive Committee would be provided through the City Arts Director who is an employee of the City. The Council will provide funding for at least one employee to assist the Director. Staff shall also support the Art Advisory Committee and the Art and Design Board.

The City shall provide financial support for cultural arts programming and staffing within the budgeted amounts approved by the City council. The Arts and Humanities Council will be responsible for fund raising for additional staff support and community arts programs as determined annually by the Council and the City through the budget of the Council.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Howard Ellington

Howard Ellington said the agreement is important as it allows for a continued partnership within the arts community. The Arts Council will act as a facilitator to encourage collaboration of all the cultural arts and will be the private support group to CityArts as well.

Ginny DeVore

Ginny Devore, member of the Board of Directors for the Wichita-Sedgwick County Arts and Humanities Council, recommended approval of the agreement. It is recommended that the Cultural Plan be implemented.

Sonya Greteman

Sonya Greteman, Vice-Chair of the Public Art Advisory Board, said that by reviewing projects, designers are challenged to push their ideas. Critiques help stretch the imagination beyond one person's vision into a realm of possibilities. As a result, the final product is improved with fewer problems.

Council Member Kamen

Council Member Kamen said the Council does not see a big project until it is too late and cited the Oliver and Kellogg art as an example. At some point, the City Council should be able to look at and decide whether to approve and spend funds on art for projects.

Mayor Knight

Mayor Knight he believed quality of life features and the aesthetic qualities in the community are worth the minimal investment. There has been a percentage figure allotted to projects for art.

Council Member Cole

Council Member Cole said cultural and historical tourism is included in the plan and it is good that the Convention and Visitor's Bureau is also included.

Council Member Ferris

Council Member Ferris said could recall, even on some small projects, getting pictures of the design. Council Member Ferris said he fully agreed with the Cultural Arts Plan but it may be that, in the future, on all of the public art programs, at the time it goes to the Public Art Board the drawings or pictures available could be presented to the Council and if the Council had a problem or wanted to bring the matter up for public discussion it could be brought up during the City Council Agenda.

Council Member Lambke

Council Member Lambke stated that if the number of reviews gets to be a problem for builders and developers, the Council should take another look at the matter.

Motion --

Knight moved that the agreement for the implementation of the Cultural Arts Plan for the City of Wichita be approved and the Mayor be authorized to sign; and the Ordinance establishing the Art and Design Board and its review process be placed on

-- carried

first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita creating the Art and Design Board, amending Code Sections 2.12.1120, 2.12.1122, 2.12.1124, 2.12.1126, and 2.12.1128; and repealing the originals of said sections and Section 2.12.1130, introduced and under the rules laid over.

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G.O. REFUNDING BONDS GENERAL OBLIGATION REFUNDING BONDS.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 99-102.

Series 730 Bonds, dated August 1, 1992, are eligible for refunding. A principal amount of \$1.4 million remains outstanding with one principal payment of \$465,000 due on June 1, 1999, leaving \$935,000 eligible for advance refunding at par.

On January 12, 1999, the City took competitive bids on \$21.9 million in new money bonds (Series 754 and 755) with George K. Baum as the successful bidder. A technical omission of a legal publication has disqualified these bonds from proceeding to closing as originally planned. New money bonds can, however, be included in a bond refunding transaction.

George K. Baum has agreed to work with the city in an advance refunding of Series 730 bonds. Additionally, Baum has agreed to include the Series 754 and 755 as new money bonds in the refunding issue, at the same sale price as bid on January 12, 1999.

The refunding bonds, Series 1999, will in turn be retired in their entirety on December 1, 1999. The City will realize net savings from the refunding.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Declaration of Emergency be approved and the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001; and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 44-140

An Ordinance of the City of Wichita, Kansas, authorizing and providing for the payment of the City's outstanding General Obligation Bonds, Series 730; authorizing the call for redemption prior to maturity of certain of the outstanding Series 730 Bonds; authorizing and providing for the sale and issuance of \$935,000 aggregate principal amount of General Obligation Refunding Bonds, Series 1999, of the City of Wichita, Kansas, for the purpose of providing for the refunding and payment of certain of the said Series 730 Bonds; prescribing the form, terms, and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; making certain other covenants and agreements with respect to the bonds; and authorizing and providing for the execution and delivery of certain agreements and supporting documents, including the bond purchase agreement. Knight moved that the Declaration of Emergency be approved and the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

Council Member Ferris momentarily absent.

LINCOLN PARK IMPROVEMENT LINCOLN PARK IMPROVEMENTS. (District I)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 99-103.

On June 24, 1998, the City Council approved an agreement with Central Kansas Railroad (CKR) to re-route trains from the downtown area to the Bayley Street Corridor. As part of this relocation, the City agreed to make improvements along the Bayley Street Corridor, including: (1) walking paths along the Bayley Street Route (from the Arkansas River to St. Francis Street); (2) landscaping and installing necessary protective fencing; (3) closing and constructing cul-de-sac streets for safety and reduction of train horn noise (as it exists presently); (4) installing new signals/gates at six street locations; (5) constructing a new railroad bridge over the Arkansas River; (6)

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providing neighborhood access improvements to the river bank; and (7) making other improvements, including Lincoln Park.

Over the past several months, meetings were held with area residents to receive comment on desired ways to improve Lincoln Park, especially as a result of the prior Council action to close the park pool and the Bayley Street corridor railroad project. Since this Park borders (on the north) and is impacted by the railroad relocation, the improvements were included in overall Bayley corridor plan. Residents requested that the City railroad corridor project include amenities in

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Lincoln Park that would enhance the look of the neighborhood park and provide a more attractive and safe place for children and families.

Area residents assisted Staff in preparing a park improvement plan that includes: (1) demolition of the existing swimming pool structure (closed 1998); (2) converting the existing bathhouse structure to restrooms and restoring the historical facade; (3) and construction of an interactive dry-deck water fountain plaza. The water fountain feature is interactive and ADA accessible. It will replace the swimming pool that formerly existed. Such water features have become a popular and accepted water attraction for children because it offers a safe and positive water recreational experience and requires lower maintenance.

Design services, demolition, and construction costs for the proposed park improvements total \$400,000. This amount is contained in the Bayley Street Corridor financial plan. Operational cost will be absorbed in the annual park maintenance budget. observed in the Park Department operating budget.

Council Member Cole

Council Member Cole said the park bench seating is important and should be included.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Sharon Gosler

Sharon Gosler asked for Council approval of the project. Most of the residents in the area are very low income, many have no air conditioning and have children who use the pool as a way to cool off in the summer, and have no way to get to other pools. The proposal would enhance the neighborhood and provide a wonderful environment for the community.

Lois Ann Newman

Lois Ann Newman, President of the South Central Progressive Assn., said this area has no recreation center and no lighted school. The Park betterments will be a wonderful addition to the area.

Motion --

Cole moved that the proposed park improvements, with the inclusion of park benches and lighting near the water feature, and continued Staff work with the Committee from the Neighborhood Association on the final details, be approved; and the Staff Selection and Screening Committee be authorized to select a contractor for design-build construction. Motion carried 7 to 0.

-- carried

FINANCIAL REPORT

QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING DECEMBER 31, 1998.

Ray Trail

Director of Finance reviewed the Item.

Council Member Ferris

Council Member Ferris asked that information be provided on the \$5 million amount in the General Fund on page one, and the \$60,470 amount on page eight.

Mayor Knight momentarily absent with Vice Mayor Gale in the Chair.

Council Member Cole left the Bench.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 6 to 0. (Cole absent)

EATON BLOCK AGREEMENT

EATON BLOCK PROPERTIES - AMENDMENT TO AGREEMENT. (District I)

Terry Kollmai

Development Assistance Director reviewed the Item.

Council Member Cole present.

Agenda Report No. 99-104.

The City Council approved the operating agreements for the redevelopment of the Eaton Block Properties on November 3, 1998. These agreements included the Development Agreement, and HOME and CDBG funding agreements. The Council action regarding the Development Agreement provided for non-substantive changes to be

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made, prior to the execution of the Agreement, with the approval of the Law Department.

In addition to minor amendments to the Development Agreement that have been approved by the Law, one substantive change affecting the City's control and management of the Eaton Block has been requested by the Developer. The construction start date and transfer of the property from the City to MetroPlains Development, LLC., has been moved from March 15, 1999, to June 1, 1999, in the final version of the Development Agreement.

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The date change has been necessitated by the preliminary pricing for construction which has exceeded the projected budget. To be able to bring the prices in line with the budget, MetroPlains; Wilson Darnell Mann, the project architect; and Key Construction, the project contractor; have been analyzing design elements and construction materials that might be changed to achieve cost-saving measures.

The City will incur additional management/maintenance expenses as a result of the deferral of the transfer of property. For the period of January through May 1999, the estimate for security guard services, utilities, maintenance, and oversight is approximately \$63,000. This provides for 24-hour security on the premises, gas and water to the Eaton boiler to prevent the risk of frozen and broken pipes, and other minor maintenance. Discussions are being held with the Developer to assume or share portions of these costs.

The Development Assistance Director explained that the apartment portion of the project came in more than \$1 million over budget. The architects are looking at ways to realize cost savings.

Council Member Cole

Council Member Cole said one of the major problems is the difference between residential rates vs. the commercial rates. The commercial rates are due to the Davis-Bacon rates. Residential rates would make a great deal of difference and the remainder could be achieved without cheapening the project.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that the Agreement Amendment be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):

Commission on the Status of People with Disabilities (2 appointments - Cole, Lambke)
Convention & Tourism Committee (Ferris)
Human Services Board (Council at large)
Police & Fire Retirement Board of Trustees (Rogers)
Wichita Commission on the Status of Women (3 appointments - Gale, 2-Lambke)
Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

Motion --
-- carried

Gale appointed Ann Perry-Morris (Women) and moved that the appointment be approved. Motion carried 7 to 0.

Motion --
-- carried

Cole appointed Carol Eberl (Disabilities) and moved that the appointment be approved. Motion carried 7 to 0.

SOLID WASTE NOMINATION

NOMINATION TO SEDGWICK COUNTY SOLID WASTE MANAGEMENT ADVISORY COMMITTEE.

(prior nomination rejected by the County Commission)

Council Member Rogers

Council Member Rogers suggested the City Council ask the County for an acceptable list of appointments.

It is kind of a gross affront to the collective intellect of the citizens of the City of Wichita for the County to come up with a particularly specious argument about why they would reject an appointment or recommendation from the City of Wichita to this Committee. "I quite honestly believe that, in a non-malicious formal kind of a way, they ought to be apprised of that.

"To talk about, in a democratic society, you do not want someone on a committee because they do not agree with your opinion is political lunacy."

"In the society that we are talking about, including all people regardless of persuasion or ethnic background, gender, and so forth, and you don't want somebody on a committee because they do not agree with what the

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committee is doing? It seems to me that kind of input is absolutely necessary in a democratic process.

"I really believe that this Council ought to formally advise the Commission of that kind of a feeling and that, in an era when both of the bodies continually talk about the cooperative endeavor, how are you going to cooperate because we do not agree? You are going to cooperate and exclude us because we do not agree, or we exclude them because they do not agree? I think, from a philosophical conceptual standpoint, that is an absolutely ludicrous position for anyone of any reasonable intellect to take."

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Council Member Cole

Council Member Cole said she hoped the Council might consider submitting Council Member Kamen's name to the County Commission, if he would be willing to serve.

Mayor Knight

Mayor Knight stated that, clearly, Council Member Ferris is extraordinarily qualified and he, more than anybody, understands that the way you prevail is through the power of your ideas and whether or not you fully understand what you are talking about. "It is my view that he understands this as well as any, certainly, elected official that I have had the pleasure of serving with.

"I also believe that Greg is open to other people's points of view and if someone can show him that he is misguided in his thinking, he is going to change."

"I think it is pretty clear to most people that what they did is really outside the boundary of the rules that we all try to operate under.

"I am committed to trying to do everything I can do to make this process work and their strategy work. The problem is that they know they are in a box. There really are fewer and fewer options to try and mask what was an unfortunate decision, in terms of costs to taxpayers.

"We were talking earlier about watching taxpayers' money; this is going to make just about anything that we have spent our time on trying to watch taxpayer dollars seem pretty insignificant because this is big bucks to the citizens and also to the businesses.

"Their mind is made up. I mean, I do not know why we make an appointment. They have already qualified the appointment requiring that 'unless you agree with us' you are not welcome."

Council Member Ferris

Council Member Ferris said, "Let us go back and remind ourselves the reason that we made this appointment was that we were not sure that we had anybody that wanted to interject themselves into that kind of a system where it appeared that there were some built-in problems.

"Mr. Kamen was our first choice, if you will recall, and he declined; and I agreed that I would do that. So, I think we need to look and find an appointment because I do believe it is important that the City is represented.

"I do not have any ill feelings towards the County. You live with what you do and, let there be no mistake, in twelve years I have had some harsh words for the County, publicly, privately. Privately and publicly I have had some strong words for the County that were positive. You live with what you do and I do not have any problem with the County's action. They did what they thought was right."

"The State, in their infinite wisdom has made a major, major mistake and citizens, at some point in time, are going to hold the State and they are going to hold the County accountable for millions and millions of dollars that are being transferred out of this community into another community. That is really what it will be.

"I have used this Committee as an opportunity to bring forward some ideas I have had for a long time on volume based trash, on ways that recycling may be structured in a more positive way, on trying to look at the issues on how you are going to finance this and make sure it is done in a meaningful way. I have some regrets that I will not be able to advance those in a formal structure but I will have the opportunity, in other ways, to try and advance those, and to speak and those kinds of things.

"Certainly, as an individual, I am not terribly disappointed that I will not have another meeting to go to but, you know how all of us do, we try, very hard, to do the most we can with the hours we have in our community service or we would not be up here - and that is all we do. We try, every week, to do the best job we can and, frankly, that is what they do."

Council Member Ferris said he hoped that this City council would forget this event because "I believe that we have an opportunity, after April 15th, to embark on a real new relationship with the City and the County and City/County relations. Most of the public believe that we do not get along and this just kind of high-lights that. Frankly, the City and County get along very well." The City and County do an enormous amount of things together. The City and County Managers work very closely together and try to accomplish great things for the community."

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Council Member Kamen

Council Member Kamen stated that, in a business situation, this would not happen to a successful company, either. When the transfer station goes into effect, it will be much worse than the KGE problem. Council Member Kamen said he was not interested in being appointed to the Committee.

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The Committee began as a 16-member group. When the County took over it could not be disbanded so they enlarged it to a 32-member group of which the City, basically, makes four or five appointments. The rest are made indirectly or indirectly by Sedgwick County.

Council Member Cole Council Member Cole said she hoped one of the City Council would walk the City's concerns and the Report to the County Commission in a formal way.

Council Member Rogers Council Member Rogers said the City made its recommendation. The citizens of the City of Wichita made their recommendation. When people do things you do feel they ought not to do, you should apprise them of that because maybe they just did not know that they were doing something that would offend someone or disregard the collective intellect of the City of Wichita which is all citizens of the City of Wichita.

Motion-- Rogers moved that the Mayor write a letter to the County Commission that, in this case, this body feels it was a gross affront to the collective intellect of the citizens of the City of Wichita, and a particularly specious rationale as to why our recommendation was rejected.

Subst.. Motion -- Ferris moved a substitute motion that this matter be deferred two weeks and the City Manager be asked to work with the City Council to make a competent appointment. Substitute motion carried 7 to 0.
-- carried

BOARD VACANCY NOTICE OF VACANCY - HUMAN SERVICES BOARD.

One vacancy (Council at large), due to the nonattendance of Cyrel Foote, for a term expiring June 30, 1999.

The appointment will be made February 23, 1999.

PROCLAMATIONS PROCLAMATIONS:

--Arbor Day
--Ted Leben Day

Council Member Kamen left the Bench.

Motion -- Knight moved that the issuance of Proclamations be authorized. Motion carried
-- carried 6 to 0. (Kamen absent)

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Kamen absent)

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 8, 1999.

At 10:00 a.m., Friday, February 5, 1998, pursuant to advertisements published, bids were received, publicly opened, read aloud and tabulated for the Board of Bids and Contracts:

(Ref: Bid analysis report attached to Board of Bids Minutes February 8, 1999)

Lateral 397, Southwest Interceptor Sewer to serve Prairie Woods Second Addition - north of Pawnee, west of Maize. (468-82822/743785/480473) Does not affect existing traffic. City Council approval date: 1/5/99. (District V)

Duling Construction - \$57,075.00

Water distribution system to serve Prairie Woods Second Addition - north of Pawnee, west of Maize. (448-

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89257/734902/470572) Does not affect existing traffic. City Council approval date: 1/5/99. (District V)

Duling Construction - \$35,165.00

Elimination of deadend mains - along 33rd Street South, west of Meridian. (448- 89317/635581/544658) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 1/6/98. (District IV)

H.D. Mills & Sons - \$67,568.00

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Water distribution system to serve Clark Estates - south of Central, east of 143rd Street East. (448-89281/734624/470540) Traffic to be maintained through construction. City Council approval date: 6/9/98.

Ditch Diggers LLC - \$22,913.75

Hickory from the east line of the plat, west to the west line of Azure Circle; Birch from the south line of Hickory, south and west to the west line of Lot 8, Block C; Azure Circles serving Lots 15 - 22, Block C (from the south line of Hickory, south to and including the cul-de-sac), and Lots 12 - 29, Block D (from the north line of Hickory, north to and including the cul-de-sac), and; Sidewalk along the north and south side of Hickory, and along the east and south side of Birch, and along the east side of Azure, Buckhead Third Addition - north of Central, west of 119th Street West. (472-82946/765123 /490-614). Does not affect existing traffic. City Council approval date: 6/16/98. (District V)

Ritchie Paving - \$183,906.45

Lateral 423, Southwest Interceptor Sewer to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler. (468-82958 743787/480475) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

Dondlinger & Sons- \$33,832.00

Water distribution system to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler. (448-89362/734904/470574) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

Duling Construction - \$8,888.00

Northridge Court serving Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler. (472-83065/765551/490662) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

Kansas Paving Company - \$127,379.75

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the Mayor be authorized to sign for the City. Motion carried 6 to 0. (Kamen absent)

HUMAN SERVICES DEPARTMENT/ENERGY OFFICE DIVISION: Furnace & Water Heaters Inspections and Tune-ups for Private Residences. (600718)

Airstock Inc. - \$48.00 (Item #1/per each)
\$48.00 (Item #2/per each)
\$48.00 (Item #3/per each)
\$48.00 (Item #4/per each)
\$20.00 (Item #5/per each)
\$55.00 (Item #6/per each)
\$28.00 (Item #7/per each)
\$ 8.00 (Item #8/per each)
\$ 1.50 (Item #9/per each)

WICHITA TRANSIT DEPARTMENT: Uniforms. (160002)

Baysinger Police Supply - \$36.50 (Group I/Item # 1 per pair)

\$27.75 (Group I/Item # 2 per pair)
\$36.50 (Group I/Item # 3 per pair)
\$27.75 (Group I/Item # 4 per pair)
\$27.00 (Group I/Item # 5 per each)
\$24.00 (Group I/Item # 6 per each)
\$24.50 (Group I/Item # 7 per each)
\$21.00 (Group I/Item # 8 per each)

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Reject (Group I/Item # 9 per each)
Reject (Group I/Item #10 per each)
Reject (Group I/Item #11 per each)
Reject (Group I/Item #12 per each)
\$ 4.00 (Group I Item #13 per each)
\$ 4.00 (Group I/Item #14 per each)
\$ 4.00 (Group I/Item #15 per each)
\$21.00 (Group I/Item #16 per each)
 Standard (Group I/Item #17 per each)

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Kansas T's - \$10.75 (Group II/Item #1 per each)
\$22.00 (Group II/Item #2 per each)
\$25.00 (Group II/Item #3 per each)
\$ 7.25 (Group II/Item #4 per each)
\$ 7.25 (Group II/Item #5 per each)
\$20.00 (Group II/Item #6 per each)
\$20.00 (Group II/Item #7 per each)
\$16.00 (Group II/Item #8 per each)
\$ 1.00 for XX-Large (Group II/Item #9 per each)
\$ 2.00 for XXX-Large (Group II/Item #9 per each)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Miscellaneous Air, Fuel and Oil Filters. (130849)

Federal Warehouse* - 59% (Percent Discount)
February 15, 1998 (Price Sheet Date)
F203 (Price Sheet Number)

*Hastings Brand

VARIOUS DEPARTMENTS, BOARDS AND AGENCIES: Paper Towels, Roll Tissue and Miscellaneous Paper Products. (130849)

McCune Paper Co., Inc. - \$27.85* (Group I/Item #1 per case)
\$55.39* (Group II/Item #1 per case)
\$29.48* (Group II/Item #2 per case)
\$71.20* (Group II/Item #3 per case)
\$23.25* (Group III/Item #1 per case)

*1% 7 Days

Southwest Paper Co. - \$43.51* (Group IV/Item #1 per case)
\$25.96* (Group IV/Item #2 per case)
\$29.96* (Group IV/Item #3 per case)
\$24.86* (Group IV/Item #4 per case)

*2% 10 Days Net 30

Xpedx - \$12.35 (Group V/Item #1 per case)
\$49.29 (Group VI/Item #1 per case)
\$26.94 (Group VI/Item #2 per case)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized.
Motion carried
6 to 0. (Kamen absent)

LICENSE APPLICATIONS APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES.

New Adult Entertainment

Robert Floyd Kellogg Gift Shop Inc. 6143 West Kellogg

Motion --Knight moved that the license be approved subject to Staff review and
-- carried approval. Motion carried 6 to 0. (Kamen absent)

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal 1999 (Consumption on Premises)

Maria E. Romero Lopez Angela's Cafe* 901 East Central

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New Establishment

Anne Truong Pho 99* 1015 North Broadway

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --Knight moved that the licenses be approved subject to Staff review and
-- carriedapproval. Motion carried 6 to 0. (Kamen absent)

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PLANS AND SPECIFICATIONPLANS AND SPECIFICATIONS:

- a. 1998-1999 Community Development Block Grant (CDBG) Local Investment Area (LIA) infrastructure improvements. (600700) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 7/1/98. (Districts I & III)
- b. 1999 contract maintenance bridge deck resurfacing at 13th Street North and Canal and westbound Central and Canal. (132249) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98 (District I)

Motion --Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and
-- carried Contracts by 10:00 a.m., February 19, 1999. Motion carried 6 to 0. (Kamen absent)

SUBDIVISION PLANS AND SPECIFICATIONS.

- a. Water Distribution System to serve Springdale East 2nd Addition (south of Kellogg, east of 143rd Street East) 448-89320/734903/470573 Does not affect existing traffic CC Approval Date: cc approval) (District n/a)
- b. Lateral 19, Main 13, Southwest Interceptor Sewer to serve Lark 6th Addition (south of Kellogg, east of 119th Street West) 468-82795/743784/480472 Does not affect existing traffic CC Approval Date: cc approval) (District 5)
- c. Lateral 406, Southwest Interceptor Sewer to serve Barefoot Bay 2nd Addition (west of Hoover, south of 29th Street North) 468-82870/743783/480471 Traffic to be maintained through construction CC Approval Date: cc approval) (District 5)
- d. Lateral 2, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 8th Addition (south of Maple, east of 135th Street West) 468- 82954/743788/480475 Does not affect existing traffic CC Approval Date: cc approval) (District 5)
- e. Lateral 3, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 9th Addition (south of Maple, east of 135th Street West) 468- 82955/743789/480477 Does not affect existing traffic CC Approval Date: cc approval) (District 5)

Motion -- Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., February 9, 1999.
-- carried Motion carried 6 to 0. (Kamen absent)

STATEMENT OF COST STATEMENT OF COST (CHESNEY).

Cost of constructing Baker Street from 11th Street North to 13th Street North in R.A. Morris Gardens, et, al. (472-82905) - \$154,850

Motion -- Knight moved that the Statement of Cost be received and filed. Motion carried
-- carried 6 to 0. (Kamen absent)

DEEDS AND EASEMENTSDEEDS AND EASEMENTS:

- a. Drainage Easement dated January 5, 1999, from Bachman Enterprises, Inc. for a tract in Harbor Isle Second Addition. (SWS #517-Index No. 751272) (No Cost to City).
- b. Drainage Easement dated January 5, 1999, from Bachman Enterprises, Inc. for a tract in Harbor Isle Second Addition. (SWS #517-Index No. 751272) (No Cost to City).
- c. Drainage and Utility Easement dated January 7, 1999, from Bachman Enterprises, Inc. for a tract in Harbor Isle Second Addition. (SWS #517-Index No. 751272) (No Cost to City).

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- d. Drainage Easement dated January 5, 1999, from Kelsey Development, Inc. for several tracts in Buckhead Third Addition. (SWS #521-Index No. 751271) (No Cost to City).

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- e. Utility Easement dated November 13, 1998, from B. W. Hotels, L.L.C. for a tract in Fox Pointe Addition. (Private Project-Index No. 607861) (No Cost to City).
- f. Utility Easement dated November 10, 1998, from YMCA of Wichita for a tract of land in YMCA South Addition. (Private Project-Index No. 607861) (No Cost to City).
- g. Utility Easement dated December 14, 1998, from Socora Village Company for a tract of land in Evergreen Addition. (Lateral 342, SWI-Index No. 743625) (No Cost to City).
- h. Drainage Easement dated November 20, 1998, from Preston Trails, L.C. for several tracts of land in Balthrop Addition. (SWS #518-Index No. 751255) (No Cost to City).
- i. Easement dated October 30, 1998, from Slawson Properties, L.L.C. for a tract of land in Tallgrass East Commercial Addition. (Lateral 17, Main 24, WIS-Index No. 743781) (No Cost to City).
- j. Easement dated October 20, 1998, from Mid-America Financial Corporation for a tract of land in Tallgrass East Commercial Addition. (Lateral 17, Main 24, WIS- Index No.743781) (No Cost to City).
- k. Sanitary Sewer Easement dated January 25, 1999, from J. W. Owen and The Arc of Sedgwick for a tract of land in Woodlake Addition. (Lateral 162, SS #22-Index No. 743786) (No Cost to City).
- l. Drainage Easement dated October 5, 1998, from Northwest Christian Church for a tract of land in Northwest Christian Church Addition. (SWS #503-Index No. 751222) (No Cost to City).
- m. Drainage Easement dated October 5, 1998, from Northwest Christian Church for a tract of land in Northwest Christian Church Addition. (SWS # 503-Index No. 751222) (No Cost to City).
- n. Utility Easement dated December 8, 1998, from Reflection Ridge Golf Course, Inc. for a tract of land in Northridge Lakes Addition. (Lateral 423, SWI-Index No. 743787) (No Cost to City).
- o. Easement dated October 22, 1998, from 3-AH, Inc. for a tract of land in Aberdeen Second Addition. (Lateral 370, SWI-Index No. 743682) (No Cost to City).
- p. Easement dated October 12, 1998, from 3-AH, Inc. for a tract of land in Aberdeen Second Addition. (Lateral 370, SWI-Index No. 743682) (No Cost to City).
- q. Easement dated October 12, 1998, from 3-AH, Inc. for a tract of land in Aberdeen Second Addition. (Lateral 370, SWI-Index No. 743682) (No Cost to City).
- r. Drainage Easement dated for January 20, 1999, from Reflection Ridge Golf Course, Inc. for a tract of land in Northridge Lakes Addition. (Northridge Lakes Addition Paving-Index No. 765551) (No Cost to City).
- s. Dedication dated August 31, 1998, from Gyan J. Khicha, M.D. and Manorama Khicha and Covenant Development Corporation for a tract of land in the Northwest Quarter of Section 9, Township 27 South, Range 1 East-21st Street North -Webb Road to Greenwich Road. (Index No. 706655) (No Cost to City).
- t. Sanitary Sewer Easement dated September 23, 1998, from Brown Family Living Trust, Kenneth L. Brown, Trustee for a tract of land in the Southwest Quarter of Section 9, Township 28 South, Range 1 East. (Private Project-Index No. 607861) (No Cost to City).
- u. Sanitary Sewer Easement dated November 25, 1998, from Joyland Hillside Park, Inc. for a tract of land in Second Replat of Part of Pawnee Ranch Addition. (War Industries Relief Sewer- Phase 1A-Project No. 468-82928) (No Cost to City).
- v. Sanitary Sewer Easement dated November 25, 1998, from Joyland Hillside Park, Inc. for a tract of land in Second Replat of Part of Pawnee Ranch Addition. (War Industries Relief Sewer- Phase 1A- Project No. 468-82928) (No Cost to City).

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- w. Sanitary Sewer Easement dated November 25, 1998, from Joyland Hillside Park Inc. for a tract of land in Second Replat of Part of Pawnee Ranch Addition. (War Industries Relief Sewer- Phase 1A-Project No. 468-82928) (No Cost to City).
- x. Sanitary Sewer Easement dated November 25, 1998, from Joyland Hillside Park Inc. for a tract of land in Replat of Part of Pawnee Ranch Addition. (War Industries Relief Sewer- Phase 1A-Project No. 468-82928) (No Cost to City).
- y. Sanitary Sewer Easement dated November 23, 1998, from Unified School District No. 259 for a tract of land in the Northeast Quarter of Section 3, Township 28 South, Range 1 East (War Industries Relief Sewer- Phase 1A-Project No. 468-82928) (No Cost to City).
- z. Sidewalk Easement dated January 27, 1999, from Bette L. Worford Trust for a tract of land in Westlink Fifth Addition. (No cost to City).
- Motion -- Knight moved that the documents be received and filed. Motion carried
-- carried 6 to 0. (Kamen absent)

STORM WATER SEWER PETITION FOR STORM WATER SEWER TO SERVE HARBOR ISLE SECOND ADDITION - EAST OF MERIDIAN, SOUTH OF 53RD STREET NORTH. (District VI)

Agenda Report No. 99-105.

The City Council approved a Petition to construct a Storm Water Sewer in Harbor Isle Second Addition on January 12, 1999. An attempt to award a construction contract within the budget set by the Petition was not successful.

A new Petition with an increased budget has been submitted. The signature on the new Petition represents one owner of 100% of the improvement district.

The original Petition totaled \$114,000. The new Petition totals \$168,750, with \$55,750 paid by the City and \$113,000 assessed to the improvement district. The City share is for that portion of the system associated with the Meridian Street improvement. The funding source for the City share is General Obligation Bonds.

Motion -- Knight moved that the Petition be approved and the Resolution be adopted.
-- carried Motion carried 6 to 0. (Kamen absent)

RESOLUTION NO. R-99-057

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 517 (east of Meridian, south of 53rd Street North) Project No. 468-82916 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Kamen absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

WATER SYSTEM PETITION PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE PART OF ARBOR LAKES ESTATES - SOUTH OF HARRY, WEST OF 159TH STREET EAST. (District II)

Agenda Report No. 99-106.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide water service to a new residential development.

The estimated project cost is \$59,000. The funding source is special assessments.

Motion -- Knight moved that the Petition be approved and the Resolution be adopted.
-- carried Motion carried 6 to 0. (Kamen absent)

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RESOLUTION NO. R-99-058

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89357 (south of Harry, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Kamen absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

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IMPROVEMENT PETITIONS**PETITIONS FOR PAVING AND A WATER DISTRIBUTION SYSTEM TO SERVE PART OF RAINBOW LAKES WEST THIRD ADDITION - NORTH OF MAPLE, EAST OF 135TH STREET WEST.**
(District V)

Agenda Report No. 99-107.

The Petitions have been signed by 11 owners of 100% of the improvement districts.

The paving and water system will serve a group of single family homes.

The estimated cost of the Water Distribution System is \$48,000, the total of which is assessed to the improvement district. The estimated paving cost is \$122,000, the total of which is assessed to the improvement district.

Motion --Knight moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design
-- carriedengineer. Motion carried 6 to 0. (Kamen absent)

RESOLUTION NO. R-99-059

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89321 (north of Maple, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Kamen absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-060

Resolution of findings of advisability and Resolution authorizing improving of Forestview from the west end of Angela to 294' east of Angela, including Forestview Court, and Forestview Circle, and on Angela from the south line of Forestview to 165' south of Forestview, Project No. 472-83022 (north of Maple, east of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Kamen absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

IMPROVEMENT PETITIONS**PETITION TO CONSTRUCT A DECEL LANE AND FIRE HYDRANT TO SERVE GOLF PARK WEST ADDITION - SOUTH OF 21ST STREET, WEST OF RIDGE ROAD.** (District V)

Agenda Report No. 99-108.

The Petition has been signed by two owners representing 100% of the improvement district.

This project will provide a decel lane and fire hydrant to serve an amusement park.

The estimated project cost is \$84,890. The funding source is special assessments.

Motion -- Knight moved that the Petition be approved and the Resolution be adopted.
-- carriedMotion carried 6 to 0. (Kamen absent)

RESOLUTION NO. R-99-061

Resolution of findings of advisability and Resolution authorizing improving of pavement on West 21st Street North and a public fire hydrant at the eastern most drive, Project No. 472-83061 (south of 21st, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Kamen absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

BOARDS MINUTES**MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

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Board of Electrical Appeals, 1-12-99
CPO Northeast Council 1, 1-11-99
CPO East Council 2, 1-11-99
CPO North Central Council 6, 1-27-99

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Commission on the Status of Women, 1-6-99
Wichita Airport Authority, 12-21-98
Wichita Public Library, 1-19-99
Wichita/Sedgwick County Emergency Communications Advisory Board, 1-21-99

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES/USESCONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

WATER/SEWER ASSESSMENTPROPOSED ASSESSMENT ROLLS.

Proposed assessment rolls have been prepared for 22 water and 18 sewer projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held March 3, 1999.

Motion -- Knight moved that the public hearing on the Proposed Assessment Rolls be set for
-- carried 11:00 a.m., Tuesday, March 16, 1999. Motion carried 6 to 0. (Kamen absent)

WEAPONS DESTRUCTIONWEAPONS DESTRUCTION.

Agenda Report No. 99-110.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

A list of weapons being destroyed has been provided and includes a total of 46 long guns and 66 hand guns.

Motion -- Knight moved that the list of weapons be received and filed. Motion carried
-- carried 6 to 0. (Kamen absent)

DESIGN AGREEMENTAGREEMENT FOR DESIGN SERVICES FOR BUCKHEAD THIRD ADDITION - NORTH OF CENTRAL, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-111.

The City Council approved the Buckhead Third Addition plat on January 12, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Buckhead Third Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$11,300, and will be paid by special assessments.

Motion -- Knight moved that the Agreement be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Kamen absent)

CONSTRUCT OVER EASEMENTEASEMENT ENCROACHMENT AGREEMENT FOR LOT 2, BLOCK 2, TRACT A, ROCKWOOD SOUTH FIFTH ADDITION - AT 225 SOUTH ARMOUR. (District II)

Agenda Report No. 99-112.

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The agreement allows Southwest National Bank of Wichita to occupy and construct improvements on, over and across the aforesaid public easement described as Lot 2, Block 2, Rockwood South Fifth Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The street address for the encroachment agreement is 225 S. Armour. The improvement is to be an Automatic Teller Machine(ATM).

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Kamen absent)

CONSTRUCT OVER EASEMENT EASEMENT ENCROACHMENT AGREEMENT FOR LOT 5, BLOCK 2, WILLOWBEND FIFTH ADDITION - AT ROCK ROAD, NORTH OF 37TH STREET NORTH. (District VI)

Agenda Report No. 99-113.

The property owners at 7903 Champion Circle requests the Agreement to allow a 1.6 foot encroachment of a garage into an existing ten 10 foot drainage easement. Originally, the owners had requested to close and abandon this portion of the easement, but the Metropolitan Area Planning Commission recommended this approach instead.

The Agreement allows the property owners at 7903 Champion Circle to occupy 1.6 feet of the drainage easement and waives all rights to action in law arising out of the encroachment over the easement. In addition, the property owner agrees to hold the City harmless for any damages to their property that could arise due to their occupation of a portion of the easement.

Motion -- Knight moved that the Agreement be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Kamen absent)

SPECIAL ASSESSMENTS AGREEMENT TO RESPREAD SPECIAL ASSESSMENTS - OAK RIDGE SECOND ADDITION - EAST OF TYLER, SOUTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 99-114.

The developers of Oak Ridge 2nd Addition have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no Agreement fee.

Motion -- Knight moved that the Agreement be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Kamen absent)

DESIGN SERVICES AGMT. AGREEMENT FOR DESIGN SERVICES FOR ROCKY CREEK ADDITION - NORTH OF 13TH STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 99-115.

The City Council approved the Rocky Creek Addition plat on January 26, 1999.

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed

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improvements in the Rocky Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$30,350, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Kamen absent)

PARKS/WATER SYSTEM IMP.DESIGN CONTRACTS: ARTERIALS, PARKS AND WATER SYSTEM IMPROVEMENTS. (Districts V & VI)

Agenda Report No. 99-116.

On May 19, 1998, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 1998 Arterials, Parks and Water Program. On November 18, 1998, the Staff Screening and Selection Committee

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selected consulting firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

Following is the list of projects, the firm selected for each project and the maximum fee allowed by the agreements.

CIP #	LOCATION/DESCRIPTION	CONSULTANT	FEE
MS-9204 & MS-204004 & Bohm P-9306 W-67 Engineering	Maple, Maize to 135th St. West Bikepath on 21st St. North Water Line Replacement in Market \$ 16,490	Savoy, Ruggles Austin Miller, P.A. Professional	\$156,080 \$ 49,750

The design fees total \$222,320. The funding source is General Obligation Bonds.

Motion -- Knight moved that the Contract be approved and the Mayor be authorized to
-- carried sign. Motion carried 6 to 0. (Kamen absent)

RECRUITMENT SERVICES CONTRACT FOR RECRUITMENT SERVICES.

Agenda Report No. 99-117.

The City of Wichita currently has two vacant Department Director positions. In the past, the City has utilized the services of a professional recruitment firm to assist with finding the best candidate for special and top management positions.

To assist the City with the recruitment of two key professional staff, the City is proposing to retain the professional services of Slavin Management Consultants. This firm has performed similar work successfully in the past; it will be responsible for developing a recruitment position profile, assisting with recruitment/advertisement, identifying appropriate candidates, providing background and reference checks, and assisting with the interview and process as necessary.

Financial Considerations: Slavin Management Consultants' fee for recruitment is \$10,000 per candidate plus expenses. Funds will be available in the respective department's operating budgets to offset these recruitment and selection costs.

Motion -- Knight moved that the Contract be approved and the Mayor be authorized to sign.
-- carried Motion carried 6 to 0. (Kamen absent)

EMP. GROUP LIFE INS. GROUP LIFE INSURANCE.

Agenda Report No. 99-118.

The City of Wichita provides life insurance benefits to employees and their dependents through the Wichita Municipal Employees Group Life Insurance Plan, a self-insured program. Minnesota Mutual was selected through an RFP process to provide administrative support, reinsurance, and other services for the plan and has provided the requested services since December 1, 1996.

The Group Life Insurance Program provides approximately \$158 million in term life insurance and accidental death and dismemberment (AD&D) coverage for 2,365 employees. Program enrollment, administration, and claims processing are all in-house functions. The services of Minnesota Mutual are to assist with the increasing complexity of health reviews for disabilities and late enrollees, to standardize financial and legal issues, and ensure that the insurance benefit is tax free. In addition, terminating employees have the option to convert to an individual policy with Minnesota Mutual.

The Premium Payment Agreement provides for a limit on the monthly payment for claim and expense charges for basic and dependent life insurance

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for any one month. The total for such payments for the policy year to date shall not exceed the total premiums which would have been paid for the policy year to date using the rates of \$.265 monthly per \$1,000 of basic insurance on employees, plus \$1.21 monthly per unit of dependent insurance. On a monthly basis, the City will pay the fixed-rate premium plus any death claims up to the monthly maximum liability of approximately \$45,000. This is a renewal of the current agreement.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign.
Motion carried 6 to 0. (Kamen absent)

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AERIAL/ORTHO PHOTO DATA SUPPLEMENTAL AGREEMENT FOR AERIAL PHOTOGRAPHY AND ORTHO PHOTO DATABASE PROJECT.

Agenda Report No. 99-119.

On December 1992, the City Council approved an ordinance to fund a Centerline Geographic Information System (GIS) Pilot Project. On August 31, 1993, the City Council approved an amendment to the Pilot Project to include purchase and delivery of a digital ortho photo image database from the project contractor, M.J. Harden Associates. On May 13, 1997, the City Council approved a contract for Western Air Maps, Inc., to develop new and updated digital ortho photos for the database.

The updated digital ortho photo files require a lot of computer memory. As a result, only a few may be opened and used at one time. Western Air Maps has software that will compress large electronic files making them easier to access and utilize. The software also has the capability of preparing a mosaic of the files which will allow maps to be larger and more detailed.

The aerial maps are used to view water and sewer lines in order to plan development and for annexations. Staff receives requests to prepare maps for City Council and other City departments. These improvements to the digital ortho photo files will enable Staff to retrieve and create maps quicker and in more detail. The Management Information System Committee (MIS) reviewed a presentation on November 5, 1999, and approved it for submittal to City Council.

A budget of \$150,000 was established for the digital ortho photo preparation. The supplemental agreement is for \$1,265 and can be paid within the existing project budget. Based on current cost for the software for \$5,895.00, it has been determined to be more economical to have Western Air Maps, Inc., do the work rather than purchase the software.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign.
Motion carried 6 to 0. (Kamen absent)

NARCOTIC SEIZURE NARCOTIC SEIZURE ACCOUNTS.

Agenda Report No. 99-120.

Under Federal and State law, law enforcement agencies are permitted to seize assets that are proceeds from specified unlawful activities. After seizing an asset, law enforcement agencies file a case for forfeiture of the asset in Federal or State court. If the court rules that the asset is a proceed from specified unlawful activity, then the asset is forfeited to the law enforcement agency. For the City of Wichita, forfeited assets are deposited into Narcotic Seizure Accounts to provide supplementary funding for law enforcement activities.

Budgets for the Narcotic Seizure Accounts are adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Four Narcotic Seizure Accounts are adopted to comply with Federal and State regulations that require a separate account for assets forfeited under the different forfeiture programs. The Police Department recommends that the City Council adopt the 1999 budgets for the Narcotic Seizure Accounts, which are described in the Financial Considerations Section. The City is also required to certify the use of forfeit assets; therefore, the Police Department recommends that the City Council authorize the necessary signatures for the Annual Certification Report.

The Narcotic Seizure Accounts have funds totaling \$553,730. The Police Department recommends budgeting the funds for:

Budgeted Item	Amount
Local Match for Grants	\$140,000
Undercover Buy Money	90,000
Surveillance Equipment for Undercover Investigations	10,000
Operations & Maintenance of Undercover Vehicles	40,000
Liability Insurance for Undercover Vehicles	12,350
Undercover Fleet Replacements	30,000

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Subscription to ALERT Law Enforcement Training Video Series	2,500
Training	12,000
Tactical Entry Safety Equipment	30,000
Secure I.D. Tokens for KS Criminal Justice Info. System	35,000
Contingency/Fund Reserve	151,880
	\$553,730

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Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibit supplanting local funds with forfeited assets.

Motion --
-- carried

Knight moved that the budgets be adopted and the necessary signatures be authorized. Motion carried 6 to 0. (Kamen absent)

IRB-RITCHIEIRB REINSTATEMENT AND EXTENSION OF LETTER OF INTENT - RITCHIE COMPANIES. (District V)

Agenda Report No. 99-121.

On August 4, 1998, City Council approved a six month Letter of Intent to issue Industrial Revenue Bonds in an amount not to exceed \$3,600,000 to Ritchie Companies, Inc. Bond proceeds will be used to acquire, construct, and equip a new corporate headquarters facility located at 2872 N. Ridge Road in northwest Wichita. Ritchie Companies, Inc. also received a 100% tax abatement for a five year period plus a second five years based on Council review. The initial six month term for the Letter of Intent expired on February 4, 1999.

Due to temporary delay in the implementation of the new corporate headquarters project, Ritchie Companies, Inc. was unable to appear before the Council for public hearing and first reading of the bond documents prior to expiration of the six month Letter of Intent. Ritchie Companies, Inc. requests reinstatement and extension of the Letter of Intent for an additional six months, expiring August 4, 1999.

There are no financial considerations resulting from reinstatement and extension of the original Letter of Intent.

Motion --

-- carried

Knight moved that reinstatement and extension of the original Letter of Intent to issue IRBs in the amount of \$3,600,000 through August 4, 1999, with the standard conditions, be approved, and the Mayor be authorized to sign. Motion carried 6 to 0. (Kamen absent)

BUDGET ADJUSTMENTBUDGET ADJUSTMENT FOR REPLACEMENT EQUIPMENT TO WICHITA BASEBALL, INC. (Districts I & IV)

Agenda Report No. 99-122.

In 1992, the City of Wichita and Wichita Baseball, Inc. entered into an Agreement in which the City of Wichita would provide certain replacement equipment from 1992 to 2005. In 1999, the City is committed to provide \$27,360 in replacement equipment. Of this, \$20,000 is capital equipment such as a tractor, turf vacuum, utility vehicles, and similar equipment. Due to some changes in budget procedures, these purchases were not budgeted in the General Fund.

The City of Wichita has agreed to provide the replacement equipment to Wichita Baseball, Inc. for Lawrence-Dumont Stadium.

Funds in the amount needed are available in the Fleet and Buildings General Funds accounts. The purchase of a small parking lot sweeper scheduled for 1999 for use at Century II will be deferred providing the necessary funds to provide the capital equipment.

Motion -- Mayor Knight moved that budget adjustment in the amount of \$20,000 in the Fleet
-- carried and Buildings general fund be approved. Motion carried 6 to 0. (Kamen absent)

PROPERTY ACQUISITIONSACQUISITION OF 3 HUNTER LANE FOR THE KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 99-123.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 3 Hunter Lane in Eastborough, Janice LaRue, has expressed an interest in selling this property to the City. The site contains approximately 21,000 square feet and is improved with a 2,001 square foot brick ranch style house. The property is currently

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vacant. The planned expansion of Kellogg will require the removal of the improvements and utilization of much of the site.

The property was valued at \$82,500 and the owner has agreed to sell the property for this amount. The property appears to be in good structural condition. The

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kitchen will need to be upgraded and some minor repairs done before the property can be leased. Once this is complete, the property will be leased until needed for the highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$92,000 is requested. This includes \$82,500 for the acquisition, \$8,000 for repairs and \$1,500 for closing costs and title insurance.

Motion --Knight moved that the budget and the Contract be approved; and the Mayor be
-- carried authorized to sign the necessary documents. Motion carried 6 to 0. (Kamen absent)

PROPERTY ACQUISITIONS ACQUISITION OF A PORTION OF PROPERTY LOCATED AT 5500 WEST CENTRAL (TRACT NO. 9) FOR THE CENTRAL AVENUE IMPROVEMENT PROJECT FROM WEST STREET TO I-235.

(District VI)

Agenda Report No. 99-124.

The Central Avenue Improvement Project from West Street to I-235 approved by Council on October 13, 1996, requires the partial acquisition of eleven tracts along Central Avenue. These tracts include Tract #9 which is owned by Wendell E. Lemon, Etux.

The subject tract contains approximately 112.5 square feet and will not affect any improvement on the remaining property. Due to the small size of the taking, the value of the tract is minimal. Market studies of the area indicate a value of \$4.00 per square foot or \$450. The property owner has agreed to sell the property to the City for this amount.

The budget of \$700 includes \$650 for the acquisition and \$50 for closing costs. Prior expenditures to date have been \$6,950. The \$700 purchase would increase the total expenditures to date to \$7,650. This is the ninth acquisition for the project, leaving two properties to be acquired through negotiations or eminent domain.

Motion --Knight moved that the budget and the Contract be approved; and the Mayor be
-- carried authorized to sign the necessary documents. Motion carried 6 to 0. (Kamen absent)

PROPERTY DISPOSITION PROPERTY SALE LOCATED AT 3850 EAST SUNNYBROOK. (District III)

Agenda Report No. 99-125.

An offer has been received from Robert A. Snyder for the property located at 3850 East Sunnybrook (former Roger's School site), in Planeview. The parcel is legally described as Lot 10, Block B, In Planeview Subdivision No. 2, being a Subdivision in Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian. This property was deeded to the Park Department in April of 1980 by USD 259. In the past, this property has been utilized as storage space for the Fire and Park Departments, and as a mental health clinic. The Wichita Board of Park Commissioners approved surplusing the property at its August 11, 1997 meeting. The City Council approved surplusing the property at its October 7, 1997 meeting.

The site contains approximately 7.8 acres of land, and is improved with a 7,942 square foot concrete block building. The structure is in poor condition including a bad roof and flooded basement. There is a small paved parking lot on the east side of the building. The site is zoned MF29 (multifamily). The lot is surrounded by drainage ways and floodways on the north, east and west. The property has been actively marketed since it was surplused with mailings to brokers and developers, and tours for interested individuals or groups. Many of Wichita's nonprofit groups have looked at the property for potential use and found the building to be too expensive to rehabilitate.

The City has received an offer of \$20,000 for the acquisition and development of the total tract. Mr. Snyder has acquired over 100 units in the Planeview area and proposes to use the building as his main rental office and use the remaining portion of the building for inside storage of appliances, doors, cabinets, etc., for his rental units. No outside storage is being requested. Renovation of the building will start immediately. The remaining land will be developed in phases as multifamily low-income apartments. The proposal envisions a maximum of 140 two- and-three bedroom, 650 - 1,000 sq. ft. units with rents between \$450 and \$700 per month. The City has the option to repurchase the undeveloped property after five years for \$10,000 or less, depending on how much of the property has been developed.

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The City will receive \$20,000 for the sale of the property. With the sale, this parcel will return to the tax rolls. No public or CDBG funds or tax abatements will be requested for the renovation of the building or the residential development.

The building is being sold "as-is" and the contract gives no warranties for the building condition. There is also no implied approval for any zone changes necessary for the building renovation or the development plan.

Motion --Knight moved that the sale be approved and the Mayor be authorized to sign the -- carried necessary documents. Motion carried 6 to 0. (Kamen absent)

PROPERTY DISPOSITIONS SALE OF 801 NORTH VOLUTSIA. (District I)

Agenda Report No. 99-126.

801 North Volutsia is a city-owned unit in the Infill Program. The Infill Program was implemented to preserve existing housing stock while improving and stabilizing older neighborhoods. The home at 801 North Volutsia was moved and rehabilitated as part of the Third Street Drainage Project and is being sold with assistance from the HOMEownership 80 Program.

The HOMEownership 80 Program is designed to allow first-time low to moderate income families purchase homes with city assistance for down payment and closing costs, security system and minor repair. The Program is targeted to families who might otherwise be unable to purchase a home due to down payment requirements and closing costs. The proposed buyer falls within the low income range as required by the HOME Program.

The Volutsia property is a single-story home with 832 square feet, two bedrooms, one bathroom home with living room and kitchen and full basement.

The property is selling for the price of \$36,000. The buyer will receive two loans. The first loan is a conventional home mortgage for \$29,450 and the second mortgage is a zero interest, deferred payment loan from HOMEownership 80 for \$7,500. The buyer will expend approximately \$600.00 of their own funds at closing in addition to \$200 in earnest money already tendered.

The property is being appraised by a certified appraiser in connection with the loan application process at Community Housing Services. Seller's estimated closing costs include approximately \$200.00 for title insurance and closing fees.

801 North Volutsia is legally described as Lot 8, Nuckoll's Subdivision, City of Wichita, Sedgwick County, Kansas.

Motion --Knight moved that the sale be approved and the Mayor be authorized to sign the -- carried necessary documents. Motion carried 6 to 0. (Kamen absent)

PROPERTY DISPOSITIONS INVITATION FOR PROPOSALS AND NOTICE OF INTENT TO ACCEPT PROPOSAL FOR DISPOSITION OF LAND IN THE WICHITA NDP URBAN RENEWAL AREA - EASTBANK.

Agenda Report No. 99-142.

City received a proposal from Walter Morris Investment Company to develop a tract of land in the East Bank area, generally located south of the Wichita Hyatt Hotel parking garage. The proposal is to construct a four-story office building on the property which would be leased, on a long-term basis, by the City to the Company.

The land is in an urban renewal area and, before the City can lease or sell the land, a notice of intent to do so must be published at least two weeks prior to the date of any lease or sale. After publication of the notice and the passage of thirty days from today, the City will be free to either choose Walter Morris Investment company or any other proposal and lease or sell the property. The City also has the option of rejecting all the proposals and maintaining its ownership of the land.

Motion -- Knight moved that the Notice of Intent be received and filed, and the request for competing proposals and Notice be published. Motion carried 6 to 0. (Kamen absent)

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ZONING ORDINANCE

ORDINANCE TO ESTABLISH "LC" LIGHT COMMERCIAL FOR PROPERTY LOCATED NORTH OF 21ST STREET NORTH ON THE WEST SIDE OF MAIZE ROAD. (District V)

Agenda Report No. 99-127.

The zone change request was originally approved by the Sedgwick County Board of Commissioners on January 24, 1996. The property was subsequently annexed into the City of Wichita and a zoning ordinance was approved on April 1, 1998, and published. Because of errors in the description for the zoning and protective overlay, the ordinance needs to be reapproved. The original ordinance will be repealed.

Motion --
-- carried

Knight moved that the zone change (SCZ-0703) ordinance be placed on first reading.
Motion carried 6 to 0. (Kamen absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita- Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, as amended: Repealing Ordinance No. 43-867, introduced and under the rules laid over. SCZ-0703

HOUSING DEPARTMENT

CREATION OF THE DEPARTMENT OF HOUSING.

Agenda Report No. 99-128.

The Human Service Department was formed in 1981 to administer state and federal grants for such services as job training and placement, income support, housing assistance, energy savings, Special Alcohol Tax programs, homeless services and civil rights and services. Over the past seven years, some of the grant funds have experienced a significant decrease (JTPA, CDBG, DOE, and LEAP have collectively decreased 23%). Community needs have also changed. As a result, it becomes necessary to examine the current service delivery system and evaluate whether there can be a more cost effective and efficient way to serve those in need.

On January 26, 1999, the City Council considered a proposal to address the changing climate for social service delivery. The proposal noted community trends such as; the stronger role of managed care; privatization as a cost effective means for service delivery; the emerging requirement for outcomes based measurement; and a strong recognition that customers have more choices and are making market-based decisions. Based upon these and other factors, the City Council approved a reorganization plan for the Human Services Department.

The plan merges the new Welfare to Work Program with the existing JTPA program which provides a forum for helping to address the continuum of job placement needs. Both the Civil Rights and Services function and the Special Alcohol Tax program are moved to other departments. The Planning and Administration Division is eliminated; however, staff will be transferred to other City divisions and departments. Finally, a new Housing Department is created which would merge all City housing activities into one department, including: public housing, Section 8 vouchers, housing development, home ownership, neighborhood revitalization, and neighborhood improvement services.

Under the reorganization plan, services will continue to be funded by current income sources.

Motion --
-- carried

Knight moved that the Ordinance creating the Department of Housing and eliminating the Human Services Department be placed on first reading. Motion carried 6 to 0. (Kamen absent)

ORDINANCE

An Ordinance of the City of Wichita creating the Department of Housing; amending Code Sections 2.08.120 and 2.08.210; and repealing the originals thereof, introduced and under the rules laid over.

PLANNING AGENDA

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Council Member Kamen present.

Marvin Krout

Director of Planning stated that Items 37, 38, 40, 43, and 45 could be considered as consensus Items unless the Council desired to withhold other items.

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Motion -- Knight moved that Planning Agenda Items 37, 38, 40, 43, and 45 be approved as consensus Items. Motion carried 7 to 0.

(Item No. 37)
D-1750

D-1750 - DEDICATION OF EMERGENCY ACCESS EASEMENT LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH, ON THE WEST OF RIDGE ROAD. (District V)

Agenda Report No. 99-129.

MAPC Recommendation: Accept the dedication.

The dedication is a requirement of Vacation V-2143, allowing elimination of a portion of platted emergency access easement. The dedication provides a substitute alignment for the easement.

Motion -- carried Knight moved that the Dedication be accepted. Motion carried 7 to 0.

(Item No.38)
D-1751

D-1751 - DEDICATION OF UTILITY EASEMENT LOCATED NORTH OF 37TH STREET NORTH, EAST OF INTERSTATE 235. (District VI)

Agenda Report No. 99-130.

MAPC Recommendation: Accept the dedication.

The dedication is a requirement of Lot Split 0990 being made for the purpose of constructing and maintaining a public utility.

Motion -- carried Knight moved that the Dedication be accepted. Motion carried 7 to 0.

(Item No. 39)
S/D 98-41

S/D 98-41 - PLAT OF COPPER GATE ADDITION LOCATED ON THE NORTHWEST AND SOUTHWEST CORNER OF 13TH STREET NORTH AND 135TH STREET WEST. (District V)

Agenda Report No. 99-131.

The applicant requested that the Item be deferred until the next City Council meeting in order to revise the sanitary sewer petition per City Engineering's request.

Motion -- carried Knight moved that the Item be deferred two weeks. Motion carried 7 to 0.

(Item No. 40)
S/D 98-103

S/D 98-103 - PLAT OF THEY MADE ME PLAT ADDITION LOCATED NORTH OF 31ST STREET SOUTH, EAST OF GREENWICH ROAD.

Agenda Report No. 99-132.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

The site is located in the County within three miles of the City limits. The plat is zoned SF-20 and has been approved by the Health Department for the use of on- site sanitary sewer and water facilities.

Motion -- Knight moved that the Plat be approved and the Mayor be authorized to sign. Motion
-- carried carried 7 to 0.

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(Item No. 41)

CU-500

CU-500 - CONDITIONAL USE REQUEST TO ALLOW VEHICLE SALES ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET. (District II)

Marvin Krout

Director of Planning said the Agenda had requested a two-week deferral.

Motion -- carried

Ferris moved that this Item be deferred two weeks. Motion carried 7 to 0.

CU-504

CU-504 - CONDITIONAL USE REQUEST TO ALLOW CAR WASH ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF MAPLE AND ANNA. (District IV)

This Item was withdrawn from the Agenda.

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(Item No. 43)

Z-3303

Z-3303 - ZONE CHANGE REQUEST FROM "SF-6" SINGLE-FAMILY AND "LC" LIMITED COMMERCIAL TO "LI" LIMITED INDUSTRIAL, LOCATED NORTH OF K-42 BETWEEN TYLER ROAD (OLD ALIGNMENT) AND HOOVER ROAD. (District IV)

Agenda Report No. 99-135.

MAPC Recommendation: Approve, subject to platting within 1 year (9-0).

Staff Recommendation: Approve .

CPO Recommendation: Approve (6-0).

The Wichita Airport Authority has acquired its land holdings in the area north of K-42 between Tyler Road (old alignment) and Hoover Road at different times through the years, some of which were purchased with military grant monies in the years immediately following the completion of World War II. As these parcels were acquired, the underlying zoning generally remained and was not necessarily a concern; primarily because the acquisition was for the purposes of assuring that no development would occur that would be incompatible with the use and growth of the Airport. These parcels are presently zoned either "SF-6" Single-Family Residential or "LC" Limited Commercial. The bulk of the airport property is zoned "LI" Limited Industrial.

This request is to bring all of the airport property between the old alignment of Tyler Road and Hoover Road that is north of K-42 into the "LI" zoning district. As some of the land is considered for more productive "airport-related" uses, particularly those parcels closer to Hoover Road, the zoning would provide the proper zoning for Airport Authority to work with those potential uses.

Staff recommended that the request be approved as "LI" Limited Industrial, but with no specific requirement of platting. The rationale was that platting would be required before any development could occur; the land was not "speculative" since it was owned by the Airport Authority; and the time line limitation of one year might be quicker than needed for the Airport Authority.

At the January 13, 1999, CPO 5 meeting voted 6 to 0 to recommend approval of the request subject to staff comments.

At the January 14, 1999, MAPC hearing, two property owners along Hoover Road spoke with concerns about the impact of additional development on the drainage. They both discussed the drainage problems along the Hoover Road area north of K-42 and that City needs to address those concerns before allowing additional development. Both also indicated a belief that the Airport property was to be used as a reserve for ponding during heavy rain periods.

The MAPC acknowledged the drainage issues, but felt the matter was best resolved during the platting process. The MAPC voted 9 to 0 to recommend the rezoning to "LI" Limited Industrial, but that the rezoning was subject to platting within one year. The Airport Authority staff has indicated the intent to proceed with platting as recommended by the MAPC.

Motion --

-- carried

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3303

(Item No. 44)

Z-3304

Z-3304 - REQUEST FOR ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED NORTH OF CENTRAL AND EAST OF 135TH STREET WEST. (District V)

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Marvin Krout

Director of Planning reviewed the Item.

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Agenda Report No. 99-136.

MAPC Recommendation: Approve 'NO' Neighborhood Office, subject to the additional provisions of a Protective Overlay.
CPO Recommendation: Approve 'NR' Neighborhood Retail.
Staff Recommendation: Approve 'NO' Neighborhood Office, subject to the additional provisions of a Protective Overlay.

The applicant filed an application to rezone a 2.7 acre unplatted tract of land located north of Central and east of 135th Street North from "SF-6" to "LC" Limited Commercial. There is a single-family home located on the western portion of the property, close to 135th Street. The applicant has not provided any details on the type of use or if there is a prospective user of this property, which is not required as part of a rezoning application.

This site is located on an intersection which is part of the area for which the City Council adopted the West Side Commercial Development Policy. A request for rezoning and a CUP on the southwest corner of this intersection (Highland Springs C.U.P.), involving the realignment of Central west of 135th Street, failed on a 5-2 vote of the City Council on a motion to approve, due to the protest petitions filed in opposition to that request.

The application area is located just south of the 100 year flood zone, according to FEMA flood insurance maps. However, at the CPO and MAPC meetings there was testimony that this property was flooded by the Halloween rainstorm.

If the request is approved, the applicant will be required to dedicate right-of-way for Central and 135th Street West at the time of platting. The combined dedications will reduce the net area available for development to 1.89 acres, consistent with the adopted policy for this intersection.

Undeveloped agricultural land is located north of the application area. Single-family homes are located to the south and east of this site. Just west of this property across 135th Street is the land zoned "SF-6" and recently denied rezoning.

At the November 18th CPO 5 hearing, the applicant discussed this request. Six neighbors voiced opposition to this request. They expressed concerns about additional commercial development in the area as well as flooding problems in the area. The CPO Council voted to approve "NR" Neighborhood Retail for this tract of land.

The MAPC heard this request at the November 19th meeting. The persons who spoke at the CPO hearing also voiced the same concerns at the MAPC hearing. The applicant's agent indicated that the "NR" recommendation of the CPO was acceptable to his clients. After discussion by the Planning Commission about flooding in the area and other commercial development in the area, the Commission voted to approve "NO" Neighborhood Office, subject to the additional provisions of a Protective Overlay, which limit the property to the development standards set by the Far West Development Policy, including special signage and architectural controls and landscaping requirements.

Protest petitions have been filed which represent approximately 89 percent of the statutory notice area. The Ordinance establishing the zone change will not be published until such time as the plat is recorded with the Register of Deeds.

Mayor Knight momentarily absent with Vice Mayor Gale in the Chair.

Council Member Lambke

Council Member Lambke said he still has the same opposition as on the previous case; and residential property is substantially lower priced than commercial property, generally. If this is zoned commercial and Central is realigned later, it might cost the City more money. The City should wait on the FEMA study.

Council Member Ferris

Council Member Ferris stated that this property flooded during the last rain and it is not believed it has ever flooded prior to that. In this area, the last flood was rated as a 500-year flood. If the City is going to try to protect areas from 500-year floods, the Director of Planning, most of the developers, and most of the builders will be out of jobs. West Wichita would stop.

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Flooding is not an issue in zoning, period. It is an issue in platting. The courts have ruled and will rule again that flooding issues are not relevant in zoning, they are relevant in platting because if you cannot build a house, you cannot build a building or anything. If this is single-family, the City cannot stop them from going in and tearing the house down and building another house.

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There is no problem with the neighbors and property owners in the area being apprised of the platting; when this comes forward, it is entirely appropriate.

Marvin Krout

Director of Planning said there is a protective overlay that includes all the restrictions that are part of the far west-side policy that has to do with residential type of construction, additional landscaping over the minimum requirements, and additional sign limitations over the minimum requirement for the district.

Motion --

Ferris moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council; and that Staff notify the

-- carried

neighbors at the time the platting is considered. Motion carried 6 to 1.
Lambke - No.

(Item No. 45)

Z-3307

Z-3307 - ZONE CHANGE REQUEST FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL, LOCATED NORTH OF 21ST STREET NORTH AND ½ MILE EAST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-137.

MAPC Recommendation: Approve, subject to Staff recommendations.

CPO Recommendation: Approve

Staff Recommendation: Approve.

The applicant is seeking to rezone land being subdivided into 18 lots totaling 6.71 acres, from the "SF-6" Single-family Residential district to the "TF-3", Two-family Residential district. These lots average 12,000 square feet in area. With lots that large, the density of the duplex units will be nearly the same as if the area were developed with single-family homes on smaller lots. These lots - Lots 43-61, Block 6, Aberdeen Third, excluding Lot 52 - are part of the larger Aberdeen Additions located north of 21st Street North, east of 119th Street West. The Aberdeen Additions cover in-excess of 100 acres, and are primarily being developed with single-family residences. The application area is located along a single cul- de-sac situated just west of the one-half mile line, north of 21st Street. These lots are somewhat buffered from most the other lots in this development by a reserve area which is located to the west and partially to the south of the application area. A 64 foot wide street is located to the north of the site, which will have single-family lots located on the north side of the street. The Evergreen Addition, a proposed single-family development at this location, is located just to the east, as is a large lot residence which has not been annexed by the City. The Aberdeen Third Addition shows a single, large lot with an existing home fronting 21st Street, just south of the proposed duplex lots. The application area is surrounded by "SF-6", Single-family Residential zoning, except for the "SF-20", Single-family Residential lot located east of the application area that is still in the county.

Staff assumes the developer is requesting this zoning on the basis that his market studies indicate there is a certain level of demand for duplex units and desires to provide a choice of housing types within this development. This location is not the most desirable since access to these lots is an indirect route. However, the applicant indicates this is the best set of lots for his marketing plan.

Access to the site is by way of a street that will wind its way through the Evergreen Addition and the Aberdeen Additions. The cul-de-sac serving the application area does not have direct access to 21st Street, 119th Street or Ridge Road.

At the January 13th CPO 5 Council hearing, the applicant presented the request. No neighbors were present to oppose this request. The CPO voted unanimously to approve the request.

At the January 14th MAPC hearing, the Planning Commission voted unanimously to approve the request. No neighbors voiced opposition to this request.

The Ordinance establishing the zone change shall not be published until such time as the plat is recorded with the

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Register of Deeds.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

(Item No. 46)

Z-3308 & DP-191

Z-3308 - ZONE CHANGE REQUEST FROM "GO" GENERAL OFFICE TO "LC" LIMITED COMMERCIAL; AND DP-191 - AN AMENDMENT TO WILSON PROPERTY COMMERCIAL C.U.P., LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND BRADLEY FAIR PARKWAY.
(District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-138.

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD Staff recommendations.

Staff Recommendation: Approve subject to conditions.

The applicant is requesting an amendment to Parcel 8 ("LC" Limited Commercial and 3.30 acres) and Parcel 9 ("GO" General Office and 6.57 acres) of the Wilson Estates Commercial CUP, located south of Bradley Fair Parkway and east of Rock Road. Parcel 8 currently permits 12,000 square feet for a variety of related uses; Parcel 9 currently permits 45,000 square feet for office and medical uses. The proposed amendment would combine Parcels 8 and 9 into one parcel (Parcel 8). The newly created parcel would be 9.87 acres in size and as requested, would permit the following uses: financial institutions, restaurants, retail stores, clothing stores, offices, pharmacies, dry cleaning, laundry, barber shops, beauty shops, tailors, studios, shoe stores, small animal clinics, hardware stores, appliance stores, furniture stores, day care, fitness centers, medical and dental clinic and hotel, which are the uses currently permitted on Parcel 8.

The applicant is also requesting to add department store to the list of permitted uses for the new Parcel 8. The maximum gross floor area would be amended to allow 130,000 square feet, and Parcel 8 would be permitted a total of eleven buildings, as proposed by the applicant. Condition 20 which prohibits a use or tenant in excess of 50,000 square feet, is requested to be waived on Parcel 8, in order to permit a department store. The applicant is also requesting to rezone the area contained in the existing Parcel 9 from "GO" to "LC."

At the time this report was written, traffic impacts on Rock and 21st Street North that would result from this additional development had not be determined. Public Works has contracted with the traffic consultant who prepared the Rock Road Corridor Study in 1997 to evaluate the impacts of this proposal. Their report should be completed before the City Council considers this request.

Commercial properties are located to the north of this site. An office complex is across Rock Road to the west. South of this property is a railroad track and further south is a 160 acre residential estate. Just east of this site are developing single-family lots on property zoned "SF-6."

In the Planning staff report, concern was expressed for traffic, and reserved the right to reconsider recommendations based on the outcome of the traffic study. However, the department store was viewed as a unique use that would enhance the image and tax base of the community. In the recommendation for approval, staff proposed that if the department store use does not materialize, this site would revert to the more limited uses and floor area in the current CUP, to minimize traffic impacts. Staff also recommended additional controls to building signage and lot coverage (the latter to encourage a two story, upscale department store).

CPO 2 voted unanimously to approve the request at the January 11th meeting, subject to the staff recommendations, and with the understanding that the traffic study would be completed before the City Council meeting and additional road improvements may need to be guaranteed by the applicant. Four citizens spoke about this request with concerns about the traffic impacts to Rock Road and 21st Street and what improvements were planned for these streets.

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At the January 14th MAPC hearing, the applicant provided an overview of this request. After discussion about the traffic impacts and possible improvements, the Planning Commission voted unanimously to approve the request, subject to platting within one year and to staff's recommendations, with the understanding that the traffic study would be completed before the City Council meeting and additional road improvements may need to be guaranteed by the applicant. The MAPC also recognized that staff would be working with the applicant on additional conditions

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to ensure that the department store is an upscale, lower-traffic generating use as described in the presentation, in return for an increase in lot coverage to permit a one-story department store. Staff will provide these additional conditions for the Council before the meeting.

Marvin Krout

Director of Planning said the service station access would not be affected.

Mike Gorman

Mike Gorman said that with improvements, this would be a high "D" intersection.

Council Member Kamen

Council Member Kamen spoke regarding the high number of accidents on Rock Road and the immediate surrounding streets. Hospital bills have to be high due to the high number of those accidents being injury accidents.

Motion --

Kamen moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the condition that the developer pay for the traffic signals, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council.

Council Member Ferris

Council Member Ferris said one of the problems with the motion is the traffic signal at 21st Street being paid 100 percent by the developer. The shopping center project being considered is quite a distance from that. A majority of the problems at 21st Street either already occur or are going to occur because of the development on both sides of the street. To assess 100 percent to the property owner on the south would seem to be a little bit unreasonable.

The medial improvements may be reasonable. The developer has already agreed to twenty-five percent of the intersection so that does not need to be in the motion as that will go forward irregardless.

On Rock Road and 13th, and on Rock Road at 29th, there are problems and those problems are far greater than the problems at this area because this has been a very well planned development. Care has been taken with the access points and medial turns.

In the future some of the access points may need to be shut off; however, Dillons' access point cannot be shut off without Dillons' permission. Sundance access cannot be shut off without their permission. Those are platted, approved accesses.

The traffic signal at 21st Street may or may not be relevant depending on what is done on 21st with Dillons.

Subst. Motion --

Ferris moved a substitute motion that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council; and Staff be instructed to have the City's Traffic Engineer meet with the applicant and/or designee to consider the recommendations and develop an agreed upon plan that will work to move traffic and to enhance the area. Substitute motion carried

-- carried

5 to 2. Lambke, Kamen - No.

(Item No. 47)

A 99-2

A 99-2 - LAWRENCE DEVELOPMENT, LLC REQUESTS THE ANNEXATION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 21ST STREET NORTH AND RIDGE ROAD. (District V)

Agenda Report No. 99-139.

Lawrence Development, LLC, requested annexation of approximately .65 acres of undeveloped land in order to develop the site for commercial use; however, the proposed use is unknown at this time.

The site is undeveloped, zoned "LC" Limited commercial, and is currently bordered by the City on three sides. Land directly to the north, south, east, and west of the site is zoned "LC."

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There are existing water and sewer service lines in areas abutting the property. A 100 percent petition has been submitted for extension of sanitary sewer to the site.

No water, storm sewer, or paving improvements are required to extend these services to the site.

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With the final plat, the owner is dedicating 450 square feet at the northeast corner of the site as right-of-way for the 21st Street North and Ridge Road intersection.

The area will have direct access to Ridge Road and to 21st Street North.

The Wichita Fire Department serves the site through the first responder agreement from Station #16 at 1632 North Tyler. Police protection will be provided by the Patrol West Bureau at 661 North Elder.

The property is within the urban growth area of the City as shown in the 1996 amended Comprehensive Plan and is located within the Policy 32 urban service area.

The total appraised value of the property is \$11,450 with an assessed value of \$1,374. The property currently yields approximately \$43 in City annual tax revenues.

The property is eligible for annexation under KSA 12-520 (7).

Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-2

(Item No. 48)

A 99-4

A 99-4 - REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED ½ MILE SOUTH OF 13TH STREET NORTH ON THE EAST SIDE OF WEBB ROAD. (District II)

Agenda Report No. 99-140.

This property lies approximately ½ mile south of 13th Street N on the east side of Webb Road. Mr. Specht requests annexation of approximately 2.8 acres of undeveloped land in order to expand the existing recreational development to the north and west of the annexation site. The property owner has submitted the final plat for consideration by the Wichita City Council.

Land Use and Zoning: The site consists of eight (8) contiguous, unplatted tracts that are undeveloped and abut the City to the north and west. Although the proposed site is currently zoned "SF-20" Single Family Residential, a request for zoning change (from "SF-20" Single Family Residential to "LI" Limited Industrial) has been approved and will become effective when the final plat is approved. A mixture of land use surrounds the proposed site. The general character of surrounding area is commercial with recreational uses. The land directly to the north is zoned "LI" Limited Industrial while land to the west is zoned "GC" General Commercial. The land to the south and east of the site is unincorporated and zoned "SF-20" Single Family Residential.

Public Services: Although the anticipated use of the proposed site will not require additional water or sewer services, the City Water and Sewer Department indicates that there are existing water and sewer service lines that serve the main facility (Family Golf Center) north of the proposed site.

Street System: The area proposed for annexation will have access to Webb Road, a two-lane improved section line road, which serves the area as the nearest major north-south arterial road.

Public Safety: The Wichita Fire Department can serve this site with a five (5) minute approximate response time from Station #18 located at 2808 N. Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: This property is located within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan. The property is also located within the Policy 32 urban service

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area.

The property proposed for annexation is currently vacant with no improvements. The total appraised value of the property is \$148,890; the assessed value (12%) of the

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property totals \$17,867. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$558 in City annual tax revenues for the property as unimproved.

78Motion --
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-4

(Item No. 49)

A 99-6

A 99-6 - REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 37TH STREET NORTH AND RIDGE ROAD. (District V)

Agenda Report No. 99-141.

This property is generally located at the SE corner of 37th Street North and Ridge Road. Mr. Ott requests annexation of approximately 150 acres of undeveloped land.

Plans for the property include a satellite medical campus for Via Christi Medical Center, 105 single-family dwelling units and retail and commercial uses.

Land Use and Zoning: The site consists of three (3) contiguous, unplatted tracts of land that are undeveloped and abut the City to the south. Although the proposed site is currently zoned "SF-20" Single Family Residential, a request for zoning change (from "SF-20" Single Family Residential to "LC" Limited Commercial and "GO" General Office) for 70 acres has been approved by the County Commission and will become effective when the final plat is approved. The remaining land that was not included in the zoning change will convert to "SF-6" Single Family Residential. The general character of the surrounding area is agricultural and residential. The land directly to the north is unincorporated and zoned "RR" Rural Residential while land to the south is incorporated and zoned "SF-6" Single Family Residential, "TF- 3" Two-Family Residential and "LC" Limited Commercial. The land to the east and west of the site is unincorporated and zoned "SF-20" Single Family Residential.

Public Services: The City Water and Sewer Department indicates that there is an existing 20 inch water distribution main along Ridge Road that extends approximately ½ mile north of 29th Street N. When the property owner is ready to receive City water, the City will cover the cost of any over-sizing above an eight inch line.

At this time, City sewer service cannot be extended beyond the maximum service delivery boundary, which is ½ mile north of 29th Street N. However, the new sewer plant that the City Council voted to construct will provide new capacity for growth in this area.

Street System: The area proposed for annexation will have access to Ridge Road, a four-lane improved section line road, which serves the area as the nearest major north-south arterial road. The site will also have access to 37th Street North, a two-lane unimproved section line road.

Public Safety: The Wichita Fire Department can serve this site with a six and half (6.5) minute approximate response time from Station #16 located at 1632 N. Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder (Elder and W. Central).

Parks: Sedgwick County Park, a 480 acre regional park, is located approximately two miles northwest of the annexation site. There are no neighborhood parks within three miles of the site.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: This property is located outside of the urban growth area of the City of

Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan. The property is also located outside of the Policy 32 urban service area.

The property proposed for annexation is currently vacant farmland with no improvements. The total appraised value of the property is \$18,490; the assessed value (30%) of the property totals \$5,547. Therefore, at the current City levy ($\$31.253/\$1000 \times$ assessed valuation), this roughly yields \$173 in City annual tax revenues for the property as unimproved.

According to the information submitted with the request for annexation, the staging of the proposed office and residential development covers four years; 50% completion of the project within the first two years with 100% completion within the final two years. If residential development goes as planned and assuming the current City levy does not change, the property should yield approximately \$33,964 in City annual tax revenue upon completion of the project. The satellite medical center campus will be tax exempt.

The Water and Sewer Department indicates that an existing 20 inch distribution main, extending ½ mile north of 29th Street N along Ridge Road, could be extended to 37th Street N at an estimated at-large cost of \$132,000 for over-sizing (approximately \$50 per linear foot.).

Motion --Knight moved that the annexation request be approved and the annexation -- carried Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-6

OFF AGENDA ITEM ELECTION FILING LAWS

ELECTION FILING LAWS

Motion --

Ferris moved that the rules be set aside and an Item be taken up off the Agenda.

-- carried

Motion carried 7 to 0.

Council Member Ferris

Council Member Ferris said he felt there were some flaws in the election filing laws for the City of Wichita and asked that he be allowed to work with the City Attorney to look at an ordinance on elections to be returned to the City Council within the next two to three weeks.

Motion --

Rogers moved that Council Member Ferris be allowed to work with the City Attorney to look at an ordinance on elections to be returned to the City Council within the

-- carried

next two to three weeks. Motion carried 7 to 0.

OFF AGENDA ITEM WEAPONS DESTRUCTION

DESTRUCTION OF WEAPONS BY THE POLICE DEPARTMENT.

Motion --

Kamen moved that the rules be set aside and an Item be taken up off the Agenda.

-- carried

Motion carried 7 to 0.

Council Member Kamen

Council Member Kamen said there had been a television special on certain law enforcement agencies selling confiscated weapons and asked whether the Wichita Police Department sells confiscated weapons.

Chris Cherches

City Manager explained that weapons generally destroyed and there are no public sales of confiscated weapons.

EXECUTIVE SESSION

Motion --

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice, and the regular meeting be resumed no later than 2:00 p.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS

Council recessed at 1:12 p.m. and reconvened in regular session at 2:00 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 2:00 p.m.

Pat Burnett
City Clerk

WORKSHOP: Workshop Session on